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Subject:- Correspondence with Mahatma Gandhi and Mr. Mahadev Desai regarding the situation in Mysore. Jan. to May 1940

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CONFIDENTIAL.

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Year 1940—1941.

General and Revenue
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Confidential Branch.

CONFIDENTIAL

SUBJECT .... Correspondence with Mahathma Gandhi and Mr. Mahdev Desai regarding the situation in Mysore, January to May 1940.

PREVIOUS REFERENCES.	LATER REFERENCES.

S.S./1943

WD 05354—GPB—300—6-5-40

General and Revenue Secretariat. | File No. of 19 . [App. F. I.

Serial No.

The following papers are forwarded with compliments to the Private Secretary to His Highness the Maharaja for kind perusal and return. (Refer his letter of Sir Dewan)

1. Dewan's letter to Mahatma Gandhi dated 31st December 1939.
2. Mahatma Gandhi's letter dated 13th January 194 to the Dewan.
3. Note on situation in Mysore given to the Dewan by Mr. Mahadev Desai.
4. Reply to Mr. Mahadev Desai's Note.
5. Brief Notes on particular points referred to in Mr. Desai's note.
6. Dewan's letter dated 17th January 1940 to Mahatma Gandhi forwarding a copy of the note in reply to Mr. Desai's note.

Chief Secretary to Government.

I returned the above papers with compliments and thanks.

I have taken the liberty of filing one set of copies consecutively and of retaining one set of spare copies. The other spare copies received will be found at the bottom of the file.

Private Secretary
to H.H. the Maharaja of Mysore.
22-1-1940.

SNK.

CB JMG 22/1

NOTE-Contn. Sheet.

No. 659

DEWAN'S MINUTE.

FILE No. 193 .

Letter from Mahatma Gandhi with a copy of a statement proposed the issues of Mysore State Congress, a copy of my telegram to Mahatma is also attached.

To be circulated to the Members -

With the attended B. MK

a note may be put up answering the various charges brought against the administration in the statement.

Dy
18-2-40

Chief Secy)

Subd.

MK
18.2.40

1st Member
2nd Member

DRM 19/2/40

FC
19.2.40

CS 2617

M. 1756

Vasantha Mahal,

Mysore,

21st February 1940.

My dear Mirza,

I am desired to acknowledge the receipt of your D.O. letter No. 661, of the 18th instant, giving cover to copies of a letter from Mahatma Gandhi and of a statement which the Working Committee of the Mysore State Congress propose to issue under his instructions, and to say that they have been submitted to His Highness the Maharaja.

If I may say so, the statement seems to me to bear only one interpretation on the main issue, namely, that Mahatma Gandhi has given judgment in your favour all along the line. His advice has caused the leaders of the State Congress heart-searching; the manner of their fight is changed; civil disobedience is indefinitely sus-- pended; there is to be no more agitation for the release of prisoner They will confine themselves to Khadi, Harijan service, communal uni prohibition and liquidation of illiteracy - all causes in which all earnest workers will have your full support.

Even as regards the enquiry, they have climbed down quite a lot. Mr. Mahadev Desai formed no conclusions, he only derived "impressions". They wish to cast no reflections on Mr. Justice Nageswara Iyer. Mahatma Gandhi takes all the blame, both for say- ing that no local judge could be of unimpeachable integrity in a manner in which the credit of the administration was concerned and for interfering in local affairs by telling the local Congress to boycott the enquiry. I imagine he is likely to receive the blame he has thus invited.

What strikes me as perhaps the most significant point of all is the resolution of the 18th November by which the Working Committee placed themselves unreservedly under Mahatma Gandhi's orders. I wonder whether you have had any previous notice of this and wheth

he has accepted the responsibility for all their misdeeds from 18th November onwards.

Yours sincerely,

BV.

C O N T E N T S.

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1. Mr. Mahadev Desai's note on the "Situation in Mysore".
2. Dewan's letter of December 31, 1939, to Mahatma Gandhi.
3. Mahatma Gandhi's letter of January 13, 1940 to the Dewan.
4. Dewan's letter of January 17, 1940, to Mahatma Gandhi.
5. Reply to Mr. Mahadev Desai's note.
6. Supplementary note on particular points referred to in Mr. Mahadev Desai's note.
7. Mahatma Gandhi's telegram dated the 16th January, 1940 to the Dewan.
8. Dewan's reply telegram dated the 17th January, 1940, to Mahatma Gandhi.
9. Mahatma Gandhi's further telegram dated the 18th January, 1940, to the Dewan.
10. & 11. Dewan's two letters dated the 24th January, 1940, to Mahatma Gandhi.
12. Mahatma Gandhi's telegram dated the 24th January 1940 to the Dewan.
13. Dewan's reply telegram dated the 25th January 1940 to Mahatma Gandhi.
14. Mahatma Gandhi's letter dated the 21st January, 1940, to the Dewan, received on the 26th January, 1940.
15. Mahatma Gandhi's telegram dated the 26th January 1940 to the Dewan regarding the recent disturbances in the Central Jail, Bangalore.
16. Dewan's reply telegram dated the 27th January 1940 to Mahatma Gandhi.
17. Dewan's letter dated the 28th January 1940 to Mahatma Gandhi enclosing a note on the disturbances.
18. Mahatma Gandhi's letter dated 31st January 1940 to the Dewan.
19. Dewan's reply dated 6th February 1940 to Mahatma Gandhi.
20. Mahatma Gandhi's letter dated 10th February 1940 to the Dewan.
21. Mahatma Gandhi's letter dated 15th February 1940 to the Dewan.
22. Reply by telegram dated 18th February from the Dewan to Mahatma Gandhi.

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1. Mr. Mahadev Desai's letter dated 11th Feb. 1940
2. Dewan's reply No.5270 dated 13th Feb.40
3. Dewan's telegram to Mr. Desai dated 1st May 40.
4. Mr. Desai's letter of the 13th May 40
5. Dewan's reply No.8205 dated 18th May 40.

A NOTE ON SITUATION IN MYSORE.

Sir Mirza Ismail was good enough to invite me to see things for myself and, when I went to Bangalore on the 12th and toured the whole State between the 12th and the 17th he was good enough to provide every facility so as to enable me to visit prisoners in all jails and he deputed Deputy Commissioners and other officials in most places either to accompany me or to be present when I carried out my investigations.

In Bangalore Sir Mirza Ismail invited me to meet at his place Dewan Bahadur K. R. Srinivasa Iyengar, Sri Hayavadana Rao and Mr. Matthan, the first being the Chairman of the Committee on Constitutional Reform in Mysore and two having one time or other been high-placed government servants These three gentlemen argued with me at length generally on the inherent merits of the reforms. The Dewan Bahadur also gave me a copy of the report containing His Highness the Maharaja's Proclamation and a typed report of 35 quarto-sheets of his speech before the Journalists' Association explaining the inherent merits. I have studied all these documents with considerable care and attention. Whilst admitting that the reforms do not give full responsible government and even regretting that the Government should not have declared it as the goal as suggested by the majority of the members of the Committee, he argued that they were full of great possibilities and that as the government resolution regarding the number of nominated members of the Council, and the selection and the number of Ministers from the elected and official members was not rigid, wholesome conventions could be created, the number of official and nominated members may be reduced, the number of Ministers may be increased so as to confine them only to the elected members of the Council and that gradual progress towards responsible government was thus bound to be ensured. If that was the case, it was not clear why Government should not give an assurance on these points in a special communique. The Dewan Bahadur admits in his note that even the innocuous recommendations of the Committee regarding fundamental rights and the ensuring of the independence of the judiciary were not accepted by Government.

The other two members contended that responsible government

was either not desired by the masses or that it was not suited to Mysore which had no foreign ruler (as in British India) but an enlightened Mysorean as its ruler and an enlightened Mysorean as his Dewan. Party Government was bad in principle, they argued, and one of them went the length of asserting that many - he had first said most - of the Congress leaders were men without character. It was difficult to argue with this gentleman with any amount of patience. Mr. Matthan, a Travancorean, who has put in about 35 years service here and who contended that responsible government was not desired by the people of Mysore, was however full of sympathy for the agitation in Travancore. Conditions there, he said, were quite different! These old gentlemen did not seem to realise that their day is done.

The Dewan's objection to the agitation in Mysore was broadly on three grounds: First, that it was a purely non-Brahmin movement, and secondly, that it was led by undesirable people, people who were inspired by selfish ends, had personal animosity towards him and had indulged in violent language against His Highness the Maharaja; and thirdly that the movement was confined only to a few as the people in general knew that they were in full enjoyment of civil liberties. Speaking about Shri Bhashyam Iyengar he said that he had borrowed a loan of Rs.2,500/- from the Industries Department of the State which he seemed to have no intention to repay. On my speaking to Mr. Bhashyam about this, he said he strongly resented the insinuation, the loan was secured by his garden which the State may confiscate if it was not repaid, and that the State him no opportunity to repay it. At all events, it was no misappropriation.

None of these gentlemen including the Dewan objected to the movement on the ground that it was conducted on violent lines. Only at one place, viz., Chitaldrug was the allegation made with a certain amount of seriousness that the people had been violent. The violence lay in the forest satyagrahis having stopped a military ambulance car and pelted it with stones. The Deputy Commissioner said that it was stopped for an hour. The Superintendent of Police corrected him and said that it was stopped for half an hour. He added that he was on the spot and it was

with great difficulty that he could persuade the Military not to open fire. Asked if any of the men was injured or hit by the stones he said 'no'. Asked if any part of the van-glass or anything else was damaged, said said 'no'. The popular version is that there was absolutely no attempt on the part of the people to stop the van, but that as there were thousands of people on the road which was very narrow and the road was blocked for a few minutes. There was no stone-throwing and an advocate who is a leading lawyer of the district and a non-Congressman, and who was on the spot, has made a statement that the peopl had behaved with exemplary non-violence.

There was one more allegation of a police inspector being mishandled by the crowd and who as a result lost his tooth. A responsible man from the villages gave a long account giving the lie to the statement. The men concerned have been given various terms of imprisonment extending to two years and Rs. 750/- fine each. The Superintendent of Police when questioned whether if all these people generally undertook to take no part in the movement they would have been released, admitted that they would have been released and that he had given them the promise. Even on persuasion of the old headman who narrated the story they had refused to give any such undertaking. It is inconceivable that the Police should on the strength of such an undertaking hav been ready to withdraw the cases against them - cases involving offences that have meant sentences of two years and Rs. 750/- fine - if the offences had been really committed. They had been convicted on the exclusive evidence of official witnesses and the prosecution had no non-official evidence to support them.

I spent several hours with the Deputy Commissioners of three other Districts but not one of them had any allegation of violence to make.

As regards the statement that the movement was confined to non-Brahmins I may say that in many places I was the guest of respected Brahmins, one or more members of whose familites had been to jail. I met numerous people in the districts, some of whom whilst they expressed the desire that there should be a settlement between the Congress and the State did not whisper a suggestion that the movement was communal or confined to non-Brahmins. It must be remembered that nearly 90 per cent of the population of the State are non-Brahmins. Nor is the charge in any way justified that the movement is confined to only a few and has no public sympathy. I met

hundreds of people in villages and thousands in towns and inspite of myself had to address several score meetings. The public meeting in Bangalore must have been attended by twenty to twenty five thousand people. The receptions I received everywhere were almost embarrassing and I saw nothing to suggest that the movement lacked public sympathy and support.

I now come to the charges of misbehaviour and brutal conduct of the police. Scores of cases were cited. I could not in the brief time at my disposal go into all of them. That the flood-tide of prison-going population took the authorities by storm and that there was very insufficient accommodation in police lock-ups and jails is admitted by the authorities. In lock-ups which could not accommodate five people as many as fifteen and twenty were huddled together, in some cases food was not given for more then twenty four hours, in one lock-up the undertrials had to answer the calls of nature on the floor of the lock-up itself, one prisoner deposed to having been allowed a bath three times in one month and three days. There is no doubt that a number of people were left in distant places - in some cases in uninhabited places and jungles, and one prisoner who is now in jail for the third time said that he with a party of 11 were left one by one at every mile or two after they had been driven some seventy miles from the place of their arrest. As none of the allegations about these hardships in lock-ups and of men being left in distant places were seriously disputed by the authorities, I refused to hear more than a few typical cases, and addressed myself exclusively to allegations of torture and brutality. Several witnesses in Bangalore jail and a few who are now out deposed to unseemly torture being used against them in order to extort apologies besides of course having received the usual kicks with boots, being kicked about like a football, and spat upon. This unseemly torture consisted in urine being forced down their throats whilst in police lock-ups. There were several cases of this kind. One man deposed to being stripped naked, belaboured, and the police constable having tried to force his penis into his mouth. Another complained of urine being poured into his mouth which was forced open, of being stripped naked and of an attempted indecent assault. These allegations were made in the presence of jail officials. One man who had apologised and was thus out happened to be in a meeting of the workers I addressed in Bangalore on the 13th. I thought it was best to take him along with me to the Dewan and let him examine him thoroughly. I did so, and the

Dewan along with the District Magistrate of Kolar cross-examined him at length. He repeated the story before them in gruesome detail. The District Magistrate's version was that he was on the pretext of this torture seeking to cover the shame of his apology, and that he had been tutored to do so. I have no reason to doubt the man's story. Another man who was also with this man complained of having been belaboured by the police, spat upon, and a Harijan's urine having been poured into his mouth. The District Magistrate who exhaustively cross-examined him tried to make out that the apology was signed before the alleged torture and so the story was false. I went at great length into the story and when cross-examined the District Magistrate admitted that there was a half-truth in the story, but that he was not concerned in finding out how much was true and how much was false as the case had not happened within his jurisdiction. It is curious to note that in the whole State this particular allegation (urine being forced down the victims' throats) was made only against one police Inspector called Bhogayya, and no one else. The Deputy Commissioner admitted that this Bhogayya and another inspector called Keshava Iyengar were "rotters" whatever he may have meant by the term. This Deputy Commissioner who struck me to be a man of consummate cunning proudly claimed to have 102 apologies to his credit out of the 400 odd arrests made in his district. 22 people in a batch had tendered apologies to him from one village. Quite a number of these boldly made allegations of torture to his face. One man who had been so severely belaboured was treated for a month in the local dispensary and said to the Deputy Commissioner: "Did you not threaten to flay me alive?" He tried to laugh him down, but the man vehemently repeated the allegation. Others showed me actual marks of violence on their persons of spiked boots, etc.

Keshava Iyengar who figures largely in cases in Shimoga District was, it will be remembered, described by the Deputy Commissioner as 'a rotter'. One instance of his exploits should be enough to damn him. Shri Veerabhadrapp is a land-owner of Sagar paying Rs. 1,800/- land revenue. He has been an invalid for some months. He was arrested under the Public Safety Act. I saw him in the Shimoga Hospital where he was undergoing treatment. In a feeble voice he narrated the story of his arrest which rent my heart: "I have been an invalid suffering from intestinal trouble and have no energy for

effective work. I had gone out to fetch flowers for puja. Keshava Iyengar met me on the way and shouted: "You are arrested". I begged of him to let me leave the flowers at home, after which I said I should gladly follow him to the police station. 'No' he shouted, 'follow me'. I did so and in the lock-up, without the slightest provocation he began to beat me and call me filthy names. I said I had done nothing and was an invalid. Thereupon he abused me more and spat upon my face. Oh, I cannot describe the shame of it. Most of the days of my imprisonment without trial I have spent in the hospital".

On my telling Sir Mirza Ismail about this he said: "He is a Lingayat, is he not ? There is that anti-Lingayat feeling among Brahmins, and I should not be surprised if it was true. I shall make thorough enquiries".

There is one instance in which Sir Mirza's own cousin, an Excise Superintendent, is involved. A volunteer narrated how he had been beaten, kicked with boots, how his clothes were torn from him. "Then they wrested the Flag from me along with my Gandhi cap and burnt both. Then the Excise Superintendent belaboured me and spat into my mouth". As the culprit in question was said to be closely related to Sir Mirza, I went into more detail. "He spat into your mouth or spat on your face? " I asked him. "He spat on my face and also into my mouth". "Did you open your mouth voluntarily or they forced it open?" He said: "I was belaboured and I was crying and as I was crying he spat into my mouth". "Did he do so by accident, as your mouth was open, or did he do it by design?" "I have no doubt he did it deliberately. The dafedar then kicked me with his boots, and the Reserve Police with tamarind birches. I showed the injuries I had received to the doctor in jail. At the Kasba police lock-up they offered to appoint me a police constable on Rs. 18 per month. Food was given only after we promised to give apologies. This was a ruse to get

After we had the food we refused to sign apologies. I was again beaten and my nose bled."

This was in the forest satyagraha area. Several people deposed to having been belaboured and kicked and abused for just having gone to see the satyagraha. Three people received additional attention. "The police having beaten and kicked us offered to release us if we paid them Rs. 3/- each. We borrowed it from Advappa who paid it to the dafedar on our behalf".

Shivappa, an ex-headman and with two convictions under the Penal Code, was the man who complained against these and other people who were either

beaten and relieved of their sheep or money. Two women were also beaten. One of them said in the presence of the police officials and Amildar: "They tried forcibly to push me into the room. I warned them against touching my person, but they laid hands on me and used most filthy words of abuse. After this I was taken to the Amildar who is present here. He too used foul words of abuse (she repeated the actual words of abuse used) and they took my thumb impression on some sheet of paper. I gave my thumb impression in order to escape further indignities".

I asked the Amildar if he would like to cross-examine her. He asked her: "Did I abuse you ?"

"You did, and these were the words you used."

The Amildar protested that he had not done so.

And all this to cow down people. The movement has been alleged to be a non-Brahmin movement. In this connection the statement of Venkatarao in Shimoga prison is interesting (Keshava Iyengar being the principal actor here): "The Inspector and the Sub Inspector of Sagar sent for me and said that the Congress was communal and in the hands of non-Brahmins, and being a Brahmin I should have nothing to do with it. He allowed me an hour's time to consider Then when I would not listen I was left without bedding, covering, etc. The Sub-Inspector abused me and asked me to apologise and warned me that my brother who is in government service would get into trouble if I did not apologise. I refused."

I now come to the question of apologies. There is no doubt that the number of these is considerable. Whilst the bulk of them were due to beatings and tortures, and also due to the victims being ignorant and unsophisticated villagers, there are a certain number of apologies which show that people who joined in the first flush regretted having done so and got out. Hodigeri is a small place where 33 people in a body apologised, not because of any alleged torture, but because of the normal hardships of the over-crowded lock-ups - scanty accommodation, scanty rations and so on. There have been 34 apologies from Mysore jail, not as a result of torture or force used, but because of patient and, may be, insidious ways of persuasion. And one prominent Vakil has given an undertaking, after release, not to take part in the movement. Much is being made of this by the authorities, but the obvious

reason is that he was threatened with a prosecution for criminal misappropriation.

My tour through the State has convinced me that the Congress has acquired a firm hold on the mass mind and inspite of the apologies upon which the authorities seem to pride themselves, there are quite a number of people prepared to go through the fire for any length of time. A number of Vakils from various parts of the country have gone to jail and several people paying heavy land revenue as also substantial merchants are suffering with the common people. Savage sentences - as much as four years given to women and as much as five years under section 124 A - have not deterred them. Heavy fines - over [redacted] lakhs of rupees have been imposed as fines - and high-handed methods in the recovery of fines and attachment of goods - two poor Harijan women deposed to being beaten and relieved of silver ornaments worn by them in order to recover a fine of Rs. 25/- imposed upon a member of the family - have not frightened people.

One noticeable feature which distinguishes the Mysore Satyagraha from many others is that the satyagrahis have been drawn exclusively from the State and that behind prison walls there is no classification among prisoners. All - the most and the l[redacted]st educated, the richest and the poorest, the most highly placed and the most lowly placed socially - suffer the same hardships, eat the same food, and enjoy the same scanty amenities provided to them. I found a well-known leader suffering from influenza lying on an indifferent bed on the floor with two pieces of dry bread lying beside him. There is this thing to be said in favour of the authorities that within the prison walls there have been generally speaking no tortures and no humiliations imposed on them.

As regards the satyagraha I am convinced that it has been carried on throughout with commendable restraint. A little more care might have been exercised in the selection of people offering satyagraha - especially from villages where there is more need for educational propaganda, and it should have been [redacted]trictly confined to adults. A number of juveniles who are in prison today ought not to have been there.

No.4316.

Camp Challakere,
31st December 1939.

My dear Mahatmaji,

I thank you for your kind note.

Sriman Mahadev Desai gave me a copy of his note on the situation in Mysore.

I have only now been able to glance through it. It makes me sad to think that a gentleman of such high principles and long experience in public affairs as Mr. Desai should have considered it necessary and proper to pen such a highly coloured and one-sided report. It was obvious from the beginning that he came to Mysore with a mind hopelessly prejudiced against the State authorities.

I am busy touring in the districts, but I shall try and send you a note on the observations Sriman Desai has made in his note as soon as possible after my return. You can then judge for yourself how far the Government of Mysore has acquitted itself justly and honourably in dealing with the situation.

Meanwhile may I enclose you a letter I have just received from a recent American visitor to Mysore and another from Mr. Mehta, I.C.S., of U.P? I think Mr. Desai is well acquainted with Mr. Mehta and will know what value to attach to his remarks.

My only object in sending these letters is to indicate to you and to assure you that no Indian need be ashamed of the Mysore administration. Indeed, he may well be proud of it.

I did enjoy my short visit to Shegaon. My only regret was that I was not able to see you alone.

With warm regards from us all,

I am,
Ever yours,

(Sd.) MIRZA M. ISMAIL.

P.S. How I wish Mr. Desai had accompanied me on this tour in the very District where he found so much dissatisfaction against the Government. I am sure it would have been an eye-opener to him.

(Ind.) M.I.

Mahatma Gandhi,
SHEGAON,
WARDHA. (C.P.)

SEGAON,
Via WARDHA.
13th January 1940.

Dear Sir Mirza,

I duly had your kind letter of the 31st December last. I delayed acknowledgment because Mahadev was absent on another errand. I was not able to have a full chat with him after his return from Madras and before his departure. I have now had a chat with him and I have seen the official letter addressed to him advising him of the appointment of "an independent and impartial inquiry".

I will take up the last point first. At this moment the appointment appears to me to be somewhat hasty. Mahadev Desai's note referred to in your letter under reply was prepared at my instance and for my sole edification. It was on my suggestion that it was given to you. But perhaps you had decided to order the inquiry independently of the note. Even so, if an honourable settlement with the Satyagraha party is arrived at, there would probably be no necessity for an inquiry, unless you would have a departmental one in the interest of the purity of your administration.

For the public inquiry you have asked Mahadev Desai's help and cooperation. I hope that you have not rejected the idea of a settlement. But if you have, and the inquiry is to proceed, I apprehend a difficulty. No judge of the Mysore Service will satisfy the Satyagrahis . If I was one, I could not be satisfied. Instances of agitation against such appointments are not unknown in British India and elsewhere. I therefore suggest the appointment of an impartial man from outside Mysore and who can be better than either Shri C. Rajagopalachari himself or his nominee? If such an appointment is made, I would of course send Mahadev Desai.

Now about the contents of your letter under reply. You say, on a perusal of his note, that it was obvious from the beginning that Mahadev Desai "came to Mysore with a mind hopelessly prejudiced against the State authorities". I suggest that it is an unfair deduction. From his account and the accounts of those who followed his tour it appears that he was meticulously correct in his speeches and never made one single adverse remark about the State. I know personally that he went if anything with a prepossession in favour of the State and unquestionably of your good self. But Mahadev could not deny the evidence of his senses and reduced it to writing without any embellishment, keeping himself to facts and facts alone. No doubt you and he have different scales to judge human conduct. You with your traditions cannot stand opposition beyond a fixed limit. Mahadev with his tradition scents nothing but life and progress in all

opposition however vehement it may be, if it is free from violence. He had ample testimony to show that on the whole the movement remained overwhelmingly non-violent. I would ask you please, therefore, before you come to final judgment, to bear in mind the distinction I have suggested.

I shall await with interest your note on Mahadev's observations.

I am sure you do not expect me to attach importance to the testimony of visitors however distinguished or impartial they may be. These testimonies are good as propaganda for drawing tourists and do I not know that you are past master in the art? In your roads, in your trees, in your lighting I see the consummate propagandist. You should know that I have lived for twenty years in a new country where propaganda for enticing the tourists of the world has been reduced to a fine art. Durban and Cape Town have very fat incomes from the tourists' traffic. They have gone into raptures over the beauties of Durban and Cape Town and incidentally therefore of the administration. But you know that there is another side to that picture. Similarly both the pictures in the case of Mysore may be correct. Nevertheless I was glad to receive the copies of the two testimonies.

Now about my suggestion.

Civil resistance should be discontinued and a declaration should be made on behalf of the Mysore Government that they have no desire whatsoever to interfere with constitutional agitation for the attainment of responsible government under the aegis of His Highness the Maharaja and that the Reforms would be as liberally interpreted as is possible in favour of the liberty of the people. And here I would incorporate the interpretation placed upon the Reforms by Dewan Bahadur K.R. Srinivas Iyengar in a note given to Mahadev, which he tells me you have seen.

The Maharaja's Privy Purse should be limited according to the spirit of the age. I do feel that the existing figure is much too high.

All restrictive laws, orders and notifications, specially issued in order to combat the Civil Resistance movement should be withdrawn. All prosecutions and punitive measures arising from the movement should be withdrawn and all political prisoners should be released.

I hope that my proposals would be considered to be more than moderate. If you think Mahadev's seeing you will help, you have but to summon him.

If you really enjoyed the visit to Segaon, I would suggest your repeating it, and next time you come you should shed the courtier's

modesty and ask for privacy.

Yours sincerely,

(Sd.) M.K. GANDHI.

Sir Mirza M. Ismail, K.C.I.E., O.B.E.,
Dewan of Mysore,
BANGALORE.

"COPY"

D.O. No.4627. Bangaloro,

17th January 1940.

My dear Mahatmaji,

In continuation of my letter from Challakere dated the 31st December 1939, I am sending you herewith a reply to the note that Sriman Mahadev Desai gave me on the situation in Mysore, as also our comments on some of the observations made by him.

Your kind letter of the 13th has just come. I will write to you again soon in reply to it, but I feel that I may as well send you the accompanying notes since they are ready for despatch.

Yours ever sincerely,

(Sd.) Mirza M. Ismail.

Mahatma Gandhi,
Sheganon,
WARDHA. (C.P.)

"COPY"

REPLY TO MR. DESAI'S NOTE.

Mr. Desai acknowledges his obligations to the Dewan for the facilities afforded to him, and, in particular, for asking the Deputy Commissioners and other officials to accompany him during his tour or to be present when he carried out his investigations. It does not, however, appear that Mr. Desai availed himself of their assistance to any appreciable extent. Some of the District officials report that Mr. Desai only heard persons produced before him by the Mysore Congressmen who acted as his guides, interpreters and tour organisers. It is also clear that there were a large number of persons who might have given to Mr. Desai a different version of the facts if he had cared to hear them. His investigations were undoubtedly hurried, incomplete and somewhat perfunctory.

Mr. Desai refers to his conversations with Messrs. K.R. Srinivasa Iyengar, C. Hayavadana Rao and K. Matthan. Merely because they differed from him on the question of responsible government, he disposes of their views with the remark: "these old gentlemen did not seem to realize that their day is done".

It has been remarked that Government did not accept the "innocuous recommendations" of the Committee regarding fundamental rights and the independence of the Judiciary. The fundamental rights are now actually enjoyed by the people of Mysore. The very fact that legislation is necessary to place restrictions on such rights involves a recognition of their existence. The Government, therefore, following the decision of the Round Table Conference, did not consider it necessary to make a formal enunciation and declaration of the existence of such rights.

In Mysore, the independence of the Judiciary is ensured by the fact that the decisions of the High Court are final and conclusive and can in no way be interfered with by the Executive.

The Judges of the High Court are appointed by His Highness the Maharaja and they function under the High Courts Act. The power of extending their term, which is done in rare instances, is vested in His Highness and the existence of this power can hardly be said to affect their integrity or judicial independence in any way.

Mr. Desai himself admits that, with two possible exceptions, there were no incidents involving physical violence. He is, however, mistaken if he attributes this absence of physical violence either to any positive effort on the part of the leaders of the "Mysore Congress" or to the existence of discipline among the rank and file of their improvised following. It was clearly due to the restraint and forbearance inculcated upon, and exercised by, the Police and Magistracy in pursuance of instructions issued to them by Government. The following extracts from a circular letter addressed to the Deputy Commissioners on September 28, 1939, may serve as a sample of such instructions:-

> "Government desire to impress upon all Magistrates and the Police the necessity for caution and restraint in dealing with large crowds and in their action against acts of 'civil disobedience or satyagraha'.
>
> Unless acts of violence to person or serious destruction of property are being committed by the mob or unless there is imminent danger to person, or valuable property is likely to be destroyed, interference on the part of the police is not called for. The arrest of the ring-leaders in the presence of an assemblage or mob should invariably be avoided, as experience has shown that it is likely to infuriate the mob and lead to a serious clash between them and the police involving even loss of life. It is sufficient in most cases, if a note is made of the leaders or persons who commit the mischief and they are arrested after the mob has dispersed and dealt with according to law. There should be no resort to shooting in any circumstances, except, of course, in self-defence.
>
> The task of dispersing large crowds should never be undertaken with an inadequate force. It is a risky undertaking in any case - even if the force is a large one - and it is likely to do far more harm than good. It would be safer under these circumstances to have the proceedings watched and then to take suitable action against the leading offenders."

In his anxiety to show that the movement was non-violent,

Mr. Desai does not hesitate to question even judicial pronouncements. A Sessions Judge aided by assessors had found that grievous hurt (loss of tooth) was sustained by an Excise peon in the Forest Satyagraha incident at Thuruvanur. Mr. Desai discovered "a respectable man from the villages" to give the lie to this judicial finding. This "respectable man" turns out to be a person whose son was convicted in the very case although he had been defended by two lawyers.

Any suggestion that the movement commands the sympathy and support of all communities in the State is at variance with the known facts of the situation. The Muslims, as a community, are wholly opposed to the movement and make no secret of their views. The Christians are also decidedly loyal. Whether the movement is confined to non-Brahmins or includes Brahmins also is a matter of little practical importance, so long as its objectives are seditious and unlawful. It is, however, interesting to observe that out of 1,641 persons convicted of political crime only 97 or less than 6% were Brahmins. There is reason to believe that communal divisions have already appeared in the Congress ranks.

The fact that a large number of Municipalities, District Boards and Village Panchayats have passed formal resolutions welcoming the reforms and expressing their satisfaction at them - besides any number of prominent citizens - is sufficient repudiation of the assertion that the public are not satisfied with the reforms.

The bulk of the report is devoted to an examination of the "charges of misbehaviour and brutal conduct of the police" in "scores of cases". Mr. Desai admits that "within the prison walls there have been, generally speaking, no tortures and no humiliations imposed upon them (political prisoners)." It follows that no general policy of intimidation could have been

pursued and any cases of maltreatment of persons in custody could only have been the acts of individual officers.

Two officers are specially mentioned, Police Inspectors Bhogiah and Kesava Iyengar. The former is said to have made persons under arrest drink urine. Mr. Desai observes that "it is curious to note that in the whole State this particular allegation (urine being forced down the victims' throats) was made against only one Police Inspector called Bhogiah and no one else."

Bhogiah is the Police Inspector of Devanahalli Taluk, where there was no political agitation at all. He had no local agitators to deal with and no political cases to investigate or to prosecute in his jurisdiction. His contact with the "satyagrahis" was entirely accidental, when a few of them who were attempting to defy a Magistrate's order in another district were removed from the Kolar Gold Field and passed through Devanahalli en route to their homes. It is difficult to discover what motive or object this Inspector could have in inflicting a novel and crude form of punishment on persons from another district with whom he was not, officially or otherwise, concerned. But this matter will be thoroughly gone into by the officer who has been appointed to enquire into these allegations.

The other cases cited by Mr. Desai (against Inspector Kesava Iyengar and others) are not of the same order of cruelty, and consist, for the most part, of allegations of abuse and beating. Some pathos is sought to be imported into one of these cases by stating that an influential person, an invalid, was arrested, abused and ill-treated while he was collecting flowers for his puja. It would appear that this person is a tyrannical landlord who was coercing his tenants, who belong to a depressed class, known as Deevars, to join the movement. The attempt to elevate him to the position of a devout martyr is ridiculous.

The Excise Inspector of Chitaldrug, who is a brother of the Dewan, is brought into the picture for reasons which must be transparent. The Enquiry Officer will, of course, investigate this

allegation also.

The persons who attempted to offer satyagraha in Kolar Gold Field were prevented from doing so and removed to places at a distance from the centre of apprehended trouble. It was only when they repeated the attempt that they were prosecuted. The places where the "satyagrahis" were released are all well-populated villages. A number of these persons subsequently transferred their activities to Mysore, where they practised satyagraha by making speeches in the Town Hall compound, in defiance of the District Magistrate's order. It was these people that first spoke of "atrocities". One of them said that he had been stripped naked and made to drink the urine of a harijan and that he had also been subjected to sodomy by a Muslim who afterwards repented of the act. Another stated that the place where he had been left was full of wild beasts and that he had to spend a whole night on the top of a tree, from which he watched, among other things, a fight between two panthers. One of these speakers has since apologised and named the person who had instigated him to make such statements. On the face of it, the stories appear to be grossly exaggerated, if not positively incredible. The Enquiry Officer will enquire into these cases.

With regard to the apologies, Mr. Desai remarks as follows:-

> "Whilst the bulk of them were due to beatings and tortures, and also due to the victims being ignorant and unsophisticated villagers, there are a certain number of apologies which show that people who joined in the first flush regretted having done so and got out. Hodigeri is a small place where 33 people in a body apologised, not because of any alleged torture, but because of the normal ~~hardship~~ hardships of the over-crowded lock-ups - scanty accommodation, scanty rations and so on. There have been 34 apologies from Mysore Jail, not as a result of torture or force used, but because of patient, and, may be, insidious ways of persuasion. And one prominent Vakil has given an undertaking, after release, not to take part in the movement. Much is being made of this by the authorities, but the obvious reason is that he was threatened with a prosecution for criminal misappropriation."

Mr. Desai is evidently of two minds on this question. On the one hand, honesty constrains him to admit that there were many cases in which the apologies were voluntary and to observe that "within the prison walls there have been no tortures and no humiliations". On the other, he maintains that "the bulk of them (apologies) were due to

beatings and tortures" and that even in the prisons "patient and may be, insidious persuasion" might have been practised.

It is difficult to meet this kind of reasoning except by referring to some general considerations.

Firstly, apologies without any possible hint of persuasion are even today coming in from the jails. Considering the fact that ignorant people were inveigled into the movement, there must be many cases of disillusionment. In such cases, it is only natural that the persons concerned should desire to avail themselves of the facilities provided for regaining their liberty.

Secondly, even in the case of persons who apologised while under arrest, the apologies were, in most cases, received by Magistrates before whom no complaint of ill-treatment was made.

Thirdly, there would be no point in extorting apologies, as such apologies would have been immediately repudiated on release. No responsible officer of Government could possibly have adopted such a course. To him the apologies could at best have served as a means of finding out the comparatively harmless persons to whom clemency could be safely extended. But to the Congress leaders, the apologies apparently meant a great deal. They meant, perhaps, loss of prestige, an exposure of the methods by which the movement had been conducted and possible alienation of people in the villages to whom the satyagrahis would return, chastened and disillusioned. For some such reason, the local Congress leaders have shown extraordinary sensitiveness about these apologies. In October 1939, Mr. H.C. Dasappa and some of his colleagues on the Working Committee, who were in the Sub-Jail at Shimoga wrote a communication to the officer in charge protesting against the methods alleged to have been adopted for procuring apologies and threatening to observe a special day of fasting. The allegations were thoroughly investigated at the time and found to be quite baseless.

Early in December 1939, a strange incident was staged in

the Central Jail at Bangalore. A political prisoner who had offered to make an apology was taken in the usual course to a room near the Jail gate for the necessary documents to be prepared for his release. He began to cry out and behave as if he had been beaten and coerced to give an apology by the Jail warders. The other prisoners in the barracks and elsewhere who had hatched the plot broke a palisade, assaulted a warder and rushed to the scene on the pretext of protecting their comrade. The man had, of course, sustained no injuries at all, as subsequent examination in the hospital showed. The intention of the plotter was clearly to create a fear in the minds of political prisoners that if they should offer apologies they would be ill-treated in the same way.

This incident occurred just before Mr. Desai's arrival, and one suspects rather for his special edification. Mr. Desai investigated the matter and apparently saw through the prisoners' plot. But curiously enough, he has made no mention of this incident although he has stated, in general terms, that "no tortures and no humiliations" were inflicted within prison walls.

In order to assess the value of Mr. Desai's conclusions, it is necessary to obtain the material on which those conclusions are based and to hear the other side also. We have, in some instances, received versions of the incidents entirely different from those contained in Mr. Desai's report.

He has completely misunderstood certain remarks made by the Dewan and other officers. It is impossible to avoid the feeling that Mr. Desai approached his task in anything but a judicial spirit and that his report is a record of impressions, if not, of preconceptions, sought to be reinforced by fragmentary, unverified, and wholly tendentious evidence.

BRIEF NOTES ON PARTICULAR POINTS REFERRED TO IN MR. DESAI'S NOTE.

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Para 3. These are gentlemen of high standing in the public life of Mysore - they have spent all their lives in the State, know it intimately and command respect for their high ability and character - and it is neither fair nor proper to dispose of their views with such a remark.

Para 4. The facts relating to Mr. K. T. Bhashyam Aiyangar are detailed below:

Mrs. K. T. Kalyanamma, wife of Mr. Bhashyam Aiyangar, was granted an industrial takavi loan of Rs. 2,500/- on 11th July 1936 on the security of landed property in an inam village and a life insurance policy of Mr. Bhashyam Aiyangar for Rs. 2,000/- which he took for this purpose. Rs.1,500/- out of the loan was paid to her on 27th March 1937 and Rs.1,000/- on 23rd February 1939.

Mr. Bhashyam Aiyangar defaulted in paying premium on the insurance policy and it therefore lapsed. On 5th April 1939, the Director of Industries and Commerce ordered under the rules that the entire loan be recalled as the insurance policy which formed a principal security for the loan was allowed to lapse and this constituted a breach of the terms of the order granting the loan. Mr. Bhashyam Aiyangar appears to have paid the premia subsequently and got the policy revived on 11th April 1939.

As the surrender value of this policy is practically nothing and there is no guarantee that it will not again be allowed to lapse and as the jodi lands are not sufficient security, the Director of Industries and Commerce required Mrs. Kalyanamma to furnish some better security in lieu of Mr. Bhashyam Aiyangar's policy, and intimated that the process already issued for recovery of the loan cannot be stayed unless the fresh security was furnished before the 15th June 1939. As Mrs. Kalyanamma did not respond to the requisition, steps for recovery of loan are being taken. There was no offer at any time by the borrower to repay any portion of the loan taken by her.

Para 5. The report of the Deputy Commissioner on 12th October 1939 was that the mob at Kolahal obstructed two St. John Ambulance Cars (British)

and threw stones at them on the 9th when they were going towards Bangalore and that the Excise officials intervened and saved the situation.

Para 6. A court of sessions tried the case with the aid of jurors and assessors and found the case to be true. The accused were defended in the trial and it is significant that they have not appealed against the conviction. As against the finding of the Court there is only the statement of one B. Krishnappa, a resident of the village, that a case of grievous hurt was foisted by the Police. Krishnappa admits that his son was involved in the case and that he had engaged two lawyers to defend him. The defence failed and it is no wonder that the man now tries to make out that the case was not true. The fact that the prosecution might have been withdrawn if the accused had apologised does not mean that the charges were false. If an accused is genuinely repentant, Government naturally take a merciful view. Some of the other persons convicted in this case have been recently released from the Central Jail on their tendering apologies.

Para 8. The fact that large audiences attended the meetings to hear Mr. Desai does not signify that the movement itself had a large backing. A visitor like him is sure to attract many people especially in rural areas.

Para 9 (a) These complaints were made by Mr. H.C. Dasappa and other political prisoners in the Shimoga Sub-Jail in October last. They were thoroughly investigated at the time and the following extract from the report of the Deputy Commissioner, Shimoga, dated 28th October 1939, shows that the complaints were highly exaggerated or totally unfounded:

> "The next complaint is that these prisoners were not fed properly and that they were huddled together in small rooms. Some over-crowding is inevitable when there is a sudden influx of prisoners. Beyond this, there has been no deliberate overcrowding of prisoners with a view to cause inconvenience or worry to them.
>
> As regards food, the complaint of under-feeding is absolutely untenable. For the prisoners in police custody, meals were being brought regularly from recognised hotels in Shimoga and Sagar and the hotel bill at Shimoga alone has run up to Rs. 106/-. I am sending herewith a statement showing the details of the meals supplied. These facts have been verified at the hotels concerned. I must add that Messrs. B. R. Puttananjappa and Veerakesari Seetha-

Rama Sastry have also verified the facts and have told me that the complaint is totally unfounded. Similarly at Sagar, Messrs. A. Narasimha Iyengar, Visveswara Rao and others have verified the facts and have been satisfied that the complaint is unfounded".

Para 9 (b) The idea was to remove them from the scene of apprehended trouble. The tendency to exaggerate the inconvenience caused by this method of release can be gauged by the following story which one of these people gave in a public speech at Mysore made in defiance of the prohibitory order:-

> "I had a lot of experience. I was taken in bus to Anthar-santhe on 23rd November 1939 and was left there. That night I heard the roaring of wild animals and so I climbed a tree. I could not sleep. Early morning I saw two panthers below the tree. Slowly I severed a branch of the tree and hit one of the panthers. They quarrelled with each other and left the place. Next morning I went to Saragur."

This was a less drastic method of dealing with them than immediate prosecution and sentence in cases where impulsive or misguided people had joined the movement, as it gave them a chance of reconsidering the position and withdrawing from the unlawful activities.

The following were the villages at which the Satyagrahis were left:

Devanhalli.	Ghelur	Bidadi
Goribidnur	Chikballapur	Chintamani
Sidlaghatta.	Hangali	Royalpad

and Mulbagal.

These are all populated places, easily accessible from the native places of the "Satyagrahis" as given by them to the Police.

Para 9(8) This is apparently the story of one N. B. Gangadhariah, ex-motor driver, in his speech made at Mysore on 16th October 1939 in the Town Hall in defiance of the Magistrate's prohibitory order. The following is the report of the speech made at the time:-

> "From Bangalore I went to Kolar Gold Field on the 15th with another batch of 4 volunteers. The Police asked me who the leader was. I told them that I was the leader. They said that they had already warned me and asked me why I came once again.
>
> I can tell you that I have suffered as no other congressman has suffered. If I narrate them you will understand them.
>
> One Police Inspector asked me to remove my clothes. Then I remembered Gandhiji and prayed for him. I could not do anything. Then I obeyed their orders. Then they asked me to lie down flat on the ground. I am ashamed to say these things. They asked a Mahomedan to commit sodomy on me, while two constables held my hands tight. I prayed God and tolerated it. The Mahomedan went away saying that it was not right to do such things. Then I was left off

"I cannot narrate such shameful acts. The other 3 volunteers were aged 30 while there was a boy of 12. They were punished severely. They were compelled to give their signatures on blank papers. Even then I did not consent to give an apology. I was sent to Bangalore by train. While I was coming back, the Police Constable took me to the Police Sub Inspector at Devanhalli. He was in the Ulsoor Gate station before. Now he is at Devanhalli. He closed the doors of the Station fearing that public would come to know of these things. I was asked to drink urine which was brought in a bottle just then. I was asked again whether I would take part in the satyagraha. I told them that whatever treatment they may give me I will not go back. They brought one 'madiga'. With this help they poured the urine into my mouth. Two constables hold my hands firmly. Another held my hand so that I may not spit it on them. One person thrust me from the back with the help of ruler. I bore all this with patience. I remembered the principle of Shanthi as taught by Mahatma Gandhi. I remained silent. When they poured the urine into my mouth, can you think that it went into my stomach ? It did not get in at the first instance. That is why they thrust the ruler from the back side. The urine went into the stomach. I never felt like swallowing it.

Then one 'madiga' and another 'holaya' came there. They were asked to spit into my mouth. All the five persons suffered this treatment. There was only one thing that remained, namely, of forcing us to drink water in which waste matter was dissolved. I do not know whether the other volunteers were given this treatment since I was not with them. "

The story is too absurd to believe. The speaker has recently tendered an apology in Tirthahalli Sub Jail and mentioned the circumstances in which he had made this "outrageous" speech.

Para 9 (d). One C. M. Venkatappa of Closepet and certain others also in their speeches made at Mysore stated that urine had been poured into the mouth of a "Satyagrahi" boy. It is evident that all these stories have been yarned off by these people while they made the speeches at the Town Hall in Mysore in defiance of a prohibitory order.

Para 9 (e) This is a garbled version of what really took place. The man was obviously a hireling and it is amazing to see how Mr. Desai was misled into believing him.

Para 9 (g) The Deputy Commissioner referred to is one of our most efficient, hard-working and zealous officers and he is very popular in his District. It is unfortunate he made such a poor impression upon Mr. Desai.

Para 9 (h) The story is on the face of it inconsistent. Evidently the man started with making allegations of torture and ended by saying that he had been only threatened. It is not understood which allegation it was that he vehemently repeated.

Para 10. This man is reported to have been forcing his tenants to cultivate

his lands by threats of eviction and assault. He does not deserve the sympathy that is sought to be extended to him by reason of his collecting flowers for puja.

Para 11. What the Dewan meant was that the allegation of a Lingayet against a Brahmin and vice versa should be taken with a grain of salt.

Para 12. The officer referred to here is an Excise Inspector who is a brother of the Dewan. The object of bringing him into the picture is obvious.

Para 13. This complaint was first heard when Mr. Desai visited Chitaldrug and is not substantiated.

Para 14. The version of this incident by the local officers is entirely different.

Para 19 (c) The matter has been gone into very carefully by the District Magistrates and the result of some of the enquiries is noted in the following extracts from their reports:-

DISTRICT MAGISTRATE, KOLAR.

"(a) Three leaders of Pathapalya and 5 leaders of Sidlaghatta Taluk have given apologies to me promising not to take further part in the 'Satyagraha' movement. These were given voluntarily in order to escape from arrest under section 5 clause (1) of the Mysore Public Security Act. These leaders were therefore not arrested. They have so far fulfilled their part of the agreement also. Two detenues of Molur were let off on their oral expression of regret.

"(b) Nearly 80 satyagrahis have given apologies to the Special Superintendent of Police, Kolar Gold Field, on different dates after their arrest at Oorgaum and they were let off and sent to their native places at Government expense by him. Three or four batches of these satyagrahis have interviewed me in person at Oorgaum in the Government House and my inquiries go to show that these apologies were given voluntarily in order to escape the consequences of criminal prosecution.

"(c) On 27th September 1939 when I got the Satyagraha Ashram at Bowringpet searched, there were about 52 inmates congregated there for the purpose of sending batches to Oorgaum to break my Order under Section 43 of the Mysore Police Act. 30 of these people ran away to their native places which were in the neighbouring taluks. I took no action against them. The other 22 who belonged to the other districts and taluks of the State were unable to do this. They approached me with a petition stamped with a twelve anna stamp begging for mercy and requesting me to send them to their native places. The Vice-President of the Bowringpet Municipality himself was with me at the time. I got muchalikas from them promising not to take any more part in the satyagraha movement, and attended to their creature comforts such as feeding, etc., and sent them in buses to their native places".

DISTRICT MAGISTRATE, SHIMOGA.

"The gravamen of the complaint is that apologies have been

"extorted by the Police. In every case in which persons were released on tendering apologies, they were produced either before me or before the ex-officio First Magistrate, Sagar, or before the Special Magistrate, Shimoga. Their statements have been invariably recorded and in no case, has any person made even a suggestion that the apology was engineered by the Police. A large number of apologies was only to be expected considering the fact that most of the persons who were arrested and who had no notion about the agitation and had invariably been misled into participating in this movement either by threats of personal violence or by promises of good ~~faith~~ and shelter in the jails or of the remission of Kandayam. At Sagar particularly, most of the people arrested were tenants of the Deevar community who are cultivating the lands of leaders. These poor people being at the mercy of these leaders had to yield to their instigation as otherwise the food would be taken out of the mouths of their wives and children. Some of them have said so in so many words and others have admitted that their landlord would have beaten them if they had not turned out to join in the activities. It is noteworthy that not one of the persons released has come back into the movement. On the other hand, the released persons have gone back to their villages and have been preaching to other people that they should not join the movement. In one case at least, I have definite evidence in this matter. The 15 persons of Hodigere who were released on the 22nd went back to their homes the next day and started an active campaign against participating in subversive activities. It is reported that they met at the local temple, offered worship and took a vow that nobody should again participate in such activities. As a matter of fact, the release of the persons at Hodigere has had a very salutary effect and all subversive activities in Hodigere and other villages of Channagiri have been stopped. The people of Hodigere have spontaneously sent a joint statement signed by some of the prominent people of the village declaring their dis-association from these subversive activities. On the 25th eleven persons arrested in Shikarpur and Shiralkoppa were produced before me as they desired to ~~tendered~~ an apology. I questioned them in open court and they unhesitatingly admitted that their apology was spontaneous and sincere. I pointedly questioned them whether they had been ill-treated by the Police or coerced by other means into asking for pardon. They unhesitatingly replied that the Police did not ill-treat them and that they had been given the usual food and that they had no complaint against the Police. The report of the proceedings has appeared in the Deshabandhu of the 26th October 1939. The statement made by one of them is particularly interesting. His name is Sivalingappa. He is a raiyat of Ginivala village in Sorab Taluk. He has admitted in his statement before me that he has been ill for some time past and that he was persuaded that in joining these activities he was sure to be arrested by the police who would send him to the hospital free of all charges for treatment. As he appeared to be ill, I released him forthwith and sent ~~him to the hospital~~ a recommendation to the District Medical Officer to admit him as an in-patient in the McGann Hospital. This was the only person who was sick among the persons so far arrested and detained in custody by the police. He confessed that the police had sent him the previous day to the McGann Hospital for treatment. The allegations made that the police paid no attention to the treatment of prisoners who were sick in custody is absolutely unjustified. I must add that the proceedings connected with the release of these persons have been conducted openly to avoid suspicion of questionable methods. The circumstances described above furnish unquestionable proof as to whether the apologies tendered were voluntary or otherwise. If, as alleged, the apologies had been extorted by coercion, the conduct of the persons after release, it need hardly be said, would have been totally different.

For the alleged maltreatment of the prisoners, there is absolutely no evidence. The arrested persons have been within twenty-four hours produced before the nearest Magistrates for remand and within two or three days afterwards have appeared either before me or the ex-officio First Magistrate, Sagar, or the Special Magistrate, Shimoga, and none of them made any complaint of personal mal-treatment by the police.

As already observed, the people who are interested in keeping alive these subversive activities are evidently disappointed at the large number of persons who are being released on tendering ~~conditional~~

apologies. This circumstance, more than any other thing, has caused a definite set back to the progress of the movement. The keenness of their disappointment is the measure of our success in checking these subversive activities. I have no doubt that the compàaints against the police have as their objective the desire to intimidate the police to deter them from doing their duty. I must add that some of the police officers have been receiving anonymous letters threatening danger to their lives and heaping abuses not only on themselves but on their women and children".

Para 17 (b) It is believed that the reference is to the case of Sri Sampathkumaran The very fact that the undertaking was given after the release shows that no pressure could possibly have been brought to bear upon him. Action was taken under the law on a private complaint and the Government did not even know that such a prosecution was pending when the man's father approached them to withdraw the case.

Para 20. The persons convicted include 23 lawyers, 15w petty merchants and traders, 641 agriculturists and 653 persons without occupation.

I

Telegram dated 16th January 1940 from Mahatma Gandhi, Wardhaganj, to the Dewan.

"Just saw notification fixing dates enquiry. In view my letter posted thirteenth trust you will postpone enquiry for further exploration.

GANDHI".

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II.

Reply telegram dated 17th January 1940 from the Dewan to Mahatma Gandhi, Wardhaganj.

"Many thanks for your kind telegram. Regret very much impossible to postpone enquiry now as such a step is sure to be misunderstood. I do hope you will quite understand. It is a departmental enquiry not open to public or press. May I hope that Mr. Desai will assist Enquiry Officer in ascertaining facts

MIRZAISMAIL".

"Copy"

TELEGRAM.

WARDHAGANJ. 18th January 1940.

To

Sir Mirza Ismail,

Bangalore.

" Thanks your wire conflicts with your allowing parties to be represented by counsel if departmental why public notice any way Mahadev Desai cannot become party to procedure that may result miscarriage justice appointment local judge in grave matters affecting State prestige inherently wrong.

= Gandhi =. "

Bangalore,

24th January, 1940.

My dear Mahatmaji,

I am in receipt of your letter and your telegram of the 13th and 18th instant respectively, and must frankly confess that I am completely puzzled by them.

I am, therefore, proposing, first, to answer your telegram clause by clause, and secondly, to state the whole case again from my point of view and then ask you to make a calm and impartial examination of it as a whole. I feel that in this matter, in which both you and I are aiming at a single end, namely, truth and justice, there should be no room for misunderstanding between us. And I cannot help feeling that there are certain agencies which are actively engaged in attempts to create such a misunderstanding, and am afraid from your telegram that they are tending to succeed in their attempts.

I now take your telegram clause by clause.

"YOUR WIRE CONFLICTS WITH YOUR ALLOWING PARTIES TO BE REPRESENTED BY COUNSEL." The passage in my wire of the 17th instant, which, so far as I can see can here be referred to by you, consists in the words 'This is a departmental enquiry not open to public or press'. I fail entirely to understand why the parties to a departmental enquiry should be deprived of the assistance of counsel. In the case of Government Officers who are accused of malpractices, our rules for the conduct of enquiries into such allegations provide for such representation with the consent of the Inquiry Officer. It is not a common occurrence for a departmental enquiry to be undertaken at the instance of a private individual. If such an individual has a complaint of a criminal nature against an officer, the usual procedure is for him to make it in a criminal court. And I need hardly add that in the present instance the courts are open to any one who considers that such an offence has been committed against him. Owing to the peculiar circumstances of the case, there are actually no complaints before us. But we have provided for any complainants that may come forward to be represented by counsel in order that they should have every opportunity of making good their case.

"IF DEPARTMENTAL WHY PUBLIC NOTICE." The answer appears to be obvious. We have no complaints before us except what was stated at some public meetings and a note, which you say was prepared at your instance and for your sole edification. That note mentions no names, places or dates. The note will be treated as confidential and there is, of course, no idea of placing it before the Inquiry Officer. We are anxious to get to the bottom of the allegations made in it and by the Mysore congressmen. In these circumstances there is no other course open to us but to issue a public notice that any one having complaints to make is invited to make them before a High Court Judge.

"ANY WAY MAHADEV DESAI CANNOT BECOME PARTY TO PROCEDURE THAT MAY RESULT IN MISCARRIAGE JUSTICE." I shall deal later with your distrust of an honourable judge. For the time being I should like to deal with what I may call the 'policy of abstention' which the leaders of the Mysore State Congress have adopted. In connection with the Viduraswatha incident, the leaders of the Mysore State Congress made a preliminary enquiry. When the tribunal which was presided over by Sir Vepa Ramesam went into the matter they declined to produce the evidence which they had recorded. The leaders of the Mysore State Congress have for a long time past been advocating a certain course of constitutional reform. When His Highness the Maharaja appointed a Committee representative of all important interests to enquire into the matter the leaders of the Mysore State Congress declined the opportunity to present their case and convince their colleagues on the Committee. Now for the third time, when the leaders of the Mysore State Congress have made an attack on certain officers and have produced complainants before Mr. Mahadev Desai, they are declining to produce evidence before the Inquiry Officer. These instances appear all to point one way, namely, an unwillingness to face the truth when it is unpalatable.

"APPOINTMENT OF LOCAL JUDGE IN IMPORTANT MATTERS AFFECTING STATE PRESTIGE INHERENTLY WRONG." I must speak plainly about this. I consider it a most unkind criticism both of an honourable gentleman and the State of Mysore. And I ask you, Mahatmaji, to consider the implications of such a suggestion. Apply it to any State as you will, and consider whether India

can ever hope to attain the independence of thought and action of which you are the chief advocate, if no Indian can be trusted to do justice in ~~matters~~ a matter in which his State is concerned.

I now propose to ask you, at the cost of wearying you, to follow me in a brief examination of the whole transaction, and if you find anything incorrectly stated, to point it out to me. Equally, if you find that, as I have already stated, there are agencies which are attempting to create misunderstanding between you and me, and that they are distorting evidence to gain their purpose, I invite you frankly to state that also to me.

In April 1938, His Highness the Maharaja appointed a Committee to examine the question of constitutional reforms in the State. The Committee had wide terms of reference and was representative of all interests, including a very large representation of the Mysore State Congress. The latter, for reasons which would not bear examination, withdrew from participation in the proceedings of the Committee, and started an agitation before the Committee reported. The Committee presented a report, and the bulk of their recommendations are shortly to be put into force. His Highness the Maharaja and his Government have received numerous resolutions cordially approving the orders passed on the recommendations of the Committee from every part of the State. The leaders of the Mysore State Congress, however, continued the agitation and directed it against the conclusions of the Committee's report. Their agitation and representations were not truthful. On the other hand, their mis-statements of the recommendations of the Committee were so numerous that the Chairman felt called upon to give a public lecture for the purpose of correcting them. Nor was the campaign non-violent, unless you consider the cutting of hundreds of trees belonging to the Government to be non-violent action. The campaign reached such dimensions that it was essential to take action to preserve the public peace. In doing this the Government officers were asked to use the utmost moderation. I have already sent you a copy of these orders.

In dealing with the campaign, some novel methods were adopted, for example, in some cases the local officers contented themselves with removing agitators from the scene of their activity, in a large number of others they released misguided dupes on their apologising for their conduct. After a number of these apologies had been tendered and a number of convictions

obtained, the leaders of the Mysore State Congress began to present vague allegations of pressure having been brought to bear, and telegraphed to you. You accepted their allegations at their face value, and, in view of our old friendship, and of my desire to do anything possible to satisfy you, I welcomed the visit of Mr. Mahadev Desai and gave him every facility to look into the matter for himself. He spent 6 days in Mysore. He delivered by his own account scores of speeches at public meetings. He travelled hundreds of miles, and on every one of his journeys was either preceded or accompanied by the leaders of the Mysore State Congress, who presented complainants before him. I am glad to acknowledge that in all his public utterances Mr Desai was most careful and said nothing likely to cause any embarrassment to Government. He, however, made nothing that could by any stretch of imagination be considered as a judicial enquiry. At the most he went the length of what a Magistrate does when recording a complaint under Section 200 of the Criminal Procedure Code for the purpose of satisfying himself whether there is a prima facie case for the issue of summons. And then he sent you a note, which you have said was prepared at your instance and for your sole edification. It is perhaps unfair in the circumstances to criticise it. But I would ask you again to remember that that note is the only tangible evidence of any sort that we have of the commission of the atrocious crimes which are referred to in it.

Mr Desai related to me the stories he had heard of atrocities committed by the police on congressmen. I told him that in order to ascertain the true facts the obvious course was to have the allegations examined by an independent, impartial officer. A perusal of Mr Desai's report made it all the more imperative that an enquiry should be held as soon as possible.

Your reaction is to suggest the release of all political prisoners, the withdrawal of all restrictive orders and notifications, and other measures, including the reduction of His Highness the Maharaja's privy purse. In other words that the Government should surrender to the Mysore State Congress and concede the bulk of what they have been agitating for without any enquiry as to whether the charges they have made are based upon truth or not. As an alternative you propose to have the enquiry made by my good friend, Mr. C. Rajagopalachar or his nominee. You say that no judge of the

Mysore Service would satisfy the 'satyagrahis'. I will not retort in kind. I will take a higher ground. This is a matter for the Mysore State to settle. The Mysore State cannot with any self-respect accept such criticism of its Government or its Judiciary. The enquiry which is now proceeding will be an independent and impartial enquiry. If the leaders of the Mysore State Congress refuse to produce their evidence as they refused to produce it before the Viduraswatha Enquiry Committee, and as they refused to state their case before the Reforms Committee, then they must be prepared to accept the conclusion that they have no evidence to present.

The Viduraswatha Enquiry Committee, I may remind you, consisted of a Chairman and two Members, of whom the Chairman and one of the Members were outsiders and men of great experience and high status in British India. What was the attitude of the Mysore Congressmen towards it ? Did they accept the findings of that Committee ?

You refer to 'restrictive orders and notifications'. I do not know what exactly you are alluding to. I am unaware of any except such orders as are obviously necessary and have long been in existence in British India.

The Mysore Public Security Act is only a reproduction of the Criminal Law Amendment Act and other Acts passed in British India. This measure was passed almost unanimously in the Representative Assembly consisting of 275 members. I gave an assurance to the Assembly that "Government do not intend to exercise the powers under the Act except when it becomes absolutely necessary to put down organized lawlessness." This assurance we are always prepared to honour.

As regards the suggestion for a general release of 'satyagraha' prisoners, I am afraid any such action would be seriously misunderstood by a large section of the public, who consider, judging from past experience, that it would only lead to a recrudescence of lawlessness. Fears were expressed on this ground at the meeting of the Representative Assembly held in October last and the Government had to go the length of assuring the Assembly that there could be no question of a general amnesty. The following is an extract from the statement made on behalf of the Government:

"Some members of the House had stated that the present agitation had received an impetus from the fact that political convicts had been released before the expiry of the sentences on certain occasions in the past. They had expressed the hope that there would be no repetition of such leniency. Without admitting that the release of prisoners in the past was not fully justified by the circumstances then existing, Mr Madhava Rao assured the House that there was no question at present of releasing the political convicts unless it was clear that they were genuinely penitent and would not take part again in unlawful activities".

I am sure you will admit that this is about as far as we can go at present.

I have written this strongly because I feel strongly; and I am not alone in so feeling. Mysore is making remarkable progress in a great number of directions, and it is intolerable that this progress should be constantly held up by a party of agitators who are neither truthful nor non-violent, who, as I firmly believe, are not wishful of furthering the progress of the State at all. You are not disposed to attach any value to the testimony to our progress which has been given literally by hundreds of people from outside the State who are well qualified to judge. You attribute it to propaganda. I ask you to apply your well-known knowledge of mob psychology to the effect of the propaganda of the Mysore State Congress on the school boys and the ignorant masses to whom they make their appeal.

I have written at length because your opinion is of the utmost value to me, and I want your support. I cannot for a moment believe that you could have wired or written to me as you have done if you had had the true facts before you when you did so.

Ever yours,

Sd. MIRZA M. ISMAIL

Mahatma Gandhi,
SEGAON.
WARDHA. (C.P.)

"COPY"

Bangalore,

24th January, 1940.

My dear Mahatmaji,

I have just sent off to you one long letter about your troubles, but I feel I must take up my pen again to answer yours of the 21st instant.

You are sad because you say I have already pronounced judgment. I should put it that I prefer to believe that our officers are innocent until they are proved to be guilty. I am sad because I understand that you have pronounced judgment. May I modify that by the suggestion that what you are convinced of is that Mr Mahadev Desai's opinion about things he saw and heard may be accepted as evidence that there is a case for enquiry ?

If you accept this definition of our respective attitudes, then surely the obvious and only solution is an enquiry by an impartial authority.

And that brings me to the point about which most reluctantly I find myself compelled to differ from you. Your statement that a Judge of the High Court of Mysore in the very nature of things cannot possibly be impartial in connection with Police officers with whom he must come in contact has both surprised and shocked me. If it had been made by any one but Mahatma Gandhi himself, it would, I feel sure, have been repudiated most indignantly by Mahatma Gandhi. We are not living under the German Gestapo or the Russian Tcheka. If there is one thing of which we Indians have justly prided ourselves in the past, it is a capacity for sound and impartial administration of the law. As regards the Police, I append below an extract taken almost at random from a file of newspaper cuttings on my table. -

> "One more feature that struck us was the great friendship that existed between the people and the Police. The people have realised that the Police are real guardians of their peace and order, and the Police know that their real duty lies in rendering true service to the people. Everywhere we heard representations that more Police Stations may be given and that some more Policemen should be sent. The Mysore Police richly deserve these compliments" - MYSINDIA.

This extract is from an independent paper conducted by an Englishman.

In the face of all this, the greatest living Indian makes a declaration which taken literally would mean that no self-governing unit of India

could allow its Judges to try the great majority of its criminal cases since the great majority are instituted by the Police. I will not say more on this subject, for I feel sure somehow that you could not have meant the words to bear the signification which I have put upon them. At the same time I ask you to believe me that there is no ground whatever for fearing any partiality on the part of our High Court Judges and that any suggestion of such partiality would be deeply resented by the people of Mysore. In fact I fear that there are already whispers abroad that you have suggested that the enquiry into Congress activities must be held by a Congress leader, and the reactions are such as for your sake I cannot but regret.

I do beg of you in these circumstances to accept the position that all that Mr Mahadev Desai has made out is a case for enquiry, and to withdraw your opposition to the enquiry by a Judge of the Mysore High Court.

I have left to the last the question of the use made of Mr Desai's note. I can assure you that the note itself has not been submitted to official scrutiny. But I ask you to consider our position. Before Mr Mahadev Desai came here to see things for himself, we had received one or two specific complaints, into which enquiry had already been made by the duly constituted authorities, and a certain number of vague allegations had been made in speeches of the Mysore Congress leaders, but none of the persons alleged to have been ill-treated had put forward any specific complaints beyond those that had already been enquired into. Nor had I, who sit practically every day to hear complaints from all sorts and conditions of people, heard any allegation regarding these tortures. Mr Mahadev Desai's note was thus the first concrete statement which we had received as regards the majority of the cases referred to in it. It was, as I am sure you will agree, urgently necessary that these allegations should be enquired into. We were compelled, therefore, to take information from the note for the purpose of the enquiry. I might add that I was strongly urged to telegraph to you and ask that the note might be taken note of officially since it constituted to all intents and purposes the charge sheet against the Police, but, as I felt that such a course would be distasteful to you, I refrained

from doing so.

I conclude by thanking you for the interest you are taking in clearing up this unfortunate difference, and I do sincerely hope that we will manage in the end to see eye to eye in respect of the one matter that is in issue between us.

Ever yours,

Sd. MIRZA M. ISMAIL.

Mahatma Gandhi,
S H E G A O N.
WARDHA. (C.P.)

"COPY"

TELEGRAM.

25th January 1940.

To

Mahatma Gandhi,

Wardhaganj.

"Very many thanks for your kind telegram received last night. The consideration you have shown me in consulting me is characteristic of you. It has deeply touched me. Looking at the matter as much from your standpoint as ours I feel it is better you do not make any public statement. As far as I can judge Inquiry has excited little curiosity or interest. I am anxious you should be spared unnecessary worry at a time when questions of infinitely greater importance are occupying your mind. I am anxious, too, you should not be involved in any controversy over a Mysore question. Have written you two long letters yesterday and tried to explain our position.

MIRZAISMAIL".

"Copy"

TELEGRAM.

[illegible] 24th January 1940.

To

Sir Mirza Ismail,
[illegible]

"In view press references to Nageshwar Rao enquiry feel my duty give my opinion public statement unless you think otherwise. Please wire reply.

[illegible]".

"COPY"

Sevagram,
WARDHA.
31st January 1940.

Dear Sir Mirza,

I thank you for your letter of the 15th instant with enclosures. A study of the latter has left me sad. I have not yet understood why a private document meant for me, but sent by me for your perusal, should have been submitted to official scrutiny. Not that there is anything confidential or private in those notes; nor that there is anything of which Mahadev need feel ashamed. What saddens me is the fact that a co-worker of mine for whom only the other day you had such regard has fallen so low in the estimation of the scrutinisers. I see that there is not one single redeeming feature in Mahadev if I am to believe this scrutiny. And your appointment of a local judge, who in the very nature of things, cannot possibly be impartial in connection with police officials with whom I suppose he must have come in contact, makes it impossible to find out whether the scrutinisers' judgment on Mahadev is balanced or whether Mahadev's opinion about things he saw and heard is to be trusted. I am sorry you have already pronounced your own judgment.

Yours sincerely,

Sd. M. K. GANDHI

"COPY"

I.

Copy of telegram dated the 26th January, 1940, from Mahatma Gandhi, Wardha, to the Dewan of Mysore, Bangalore.

Received wire prisoners flogged beaten given solitary cells 60 hungerstriking. Hope news untrue. Please wire reply.

=GANDHI=

II.

Copy of reply telegram dated the 27th January, 1940, from the Dewan of Mysore, Bangalore, to Mahatma Gandhi, Wardha.

Your wire received last night. A misleading account of the recent incidents in the Jail seems to have reached you. The facts briefly are these: Three prisoners were ordered punishment of whipping by Jail Superintendent for assaulting warders and indecent behaviour, eighteen prisoners went on hunger-strike as a protest on twenty-second evening. The number rose to forty-three on twenty-fourth and all of them broke fast on twenty-fifth. I am sending for your information further details.

= MIRZAISMAIL =

"COPY"

Bangalore,

28th January,

My dear Mahatmaji,

As promised in my telegram of yesterday, I am enclosing for your information a detailed note on the recent disburbances in the Central Jail at Bangalore.

Ever yours,

Sd. MIRZA M. ISMAIL

Mahatma Gandhi,
S H E G A O N.
WARDHA. (C.P.)

"COPY"

A NOTE ON RECENT DISTURBANCES IN THE CENTRAL JAIL, BANGALORE.

On the morning of 22nd January 1940, a political prisoner named C. B. Monniah was transferred to the Special lock-up, Kolar Gold Field. It may be stated here that Monniah is a Coorgi and has always been a source of great trouble to the Police and in Jail. He had to be externed from the State some time ago but he disobeyed the order and has been imprisoned in consequence.

When a warder went to the barracks to remove his things, another political prisoner (Kanneri) abused the Superintendent calling him a mad man and a liar. This man and twenty other political prisoners then assaulted the warder and drove him, with every show of force, back to the Jail office. Hearing the disturbance, the Chief Warder, the Deputy Warder and other warders arrived on the scene. By this time, nearly a hundred other political prisoners had gathered and they joined in abusing the Jail authorities in violent and improper language. They also used some force against some warders. At this stage, the Superintendent arrived and with some difficulty got control and managed to send the prisoners back to their barracks.

The political prisoners in another barrack shortly afterwards started further trouble. The Jail officers went there and found that the prisoners had shut the door from inside and were behaving in a very noisy and insubordinate manner shouting in violent language against the authorities. The Superintendent had the door forcibly opened and asked them to resume their work without noise. Some prisoners assaulted the warders near them and others used very violent and abusive language against the Superintendent and the staff.

When these prisoners were brought out, one of them assaulted the Deputy Jailor and caught hold of his neck. Another prisoner (Basappa) bit the fingers of the Deputy Jailor. After due inquiry, the Superintendent found that the two prisoners (Kanneri and Basappa) were primarily responsible for the disturbance and accordingly ordered their punishment. They were given six and ten stripes respectively, consistently with the

Jail rules. Somewhat later, another political prisoner (Venkateswamy) abused a warder and behaved most indecently before him and other prisoners. This man also was given six stripes.

These three persons who took a leading part in the disturbance were removed from the barracks and kept in separate rooms. One of these prisoners was also found to be in possession of contraband articles, such as cash, cigarettes and beedies. No punishment of solitary confinement was imposed upon them.

On the 23rd January, 18 political prisoners sent a petition to the Inspector-General of Prisons stating that they had gone on hunger-strike as the Jail authorities acted in a high-handed manner in dealing with the situation on the 22nd instant (the previous day). They started hunger-strike on the evening of the 22nd instant as a protest. Thirteen more joined them on the 23rd and the number increased to 43 on the 24th and 45 on the 25th. All of them discontinued hunger-strike on the evening of the 25th and took food. The situation is now quite normal again.

The action taken by the Superintendent was purely in the interest of discipline, as the prisoners were becoming more and more rowdy and insolent, making it impossible for him to maintain order in the Jail.

SEGAON,
Via WARDHA (C.P.).
31st January 1940.

Dear Sir Mirza,

I thank you for your three letters. Though I do not wish to judge their previous conduct, it is likely that on the issue of the boycott of the Ramsay inquiry and the Reforms commission my advice would have been against the boycott by the leaders. But it would be wrong to predict the future by the experience of the past in this case. For a new situation has arisen. The leaders have put themselves under my guidance. I have no reason whatsoever to doubt their written and spoken word. One of them remains with me to give me information and to understand the working of the technique of non-violence as I know it.

Nevertheless I can well understand your acting according to your own appreciation of the events as they happen.

I see therefore that there is a wide divergence between our view-points. The greatest is that you do not trust the leaders and I do. I do not know that in these circumstances I can be of much help to you. I must hope that the voluntary sufferings of the leaders and their followers will in time produce their inevitable effect upon you.

In spite of your eloquent argument I must adhere to the position I have taken up about the Judge. My objection is fundamental. It carries no reflection upon the Judge appointed by you. I have not even inquired about his career. For aught I know he is a most estimable lawyer and upright Judge. But no man can surmount the limitations put by God upon human nature. It is wrong to put an undue strain upon a judge's impartiality. Hence judges have been known not to try their relatives, personal friends, or their subordinates. Because high officials were concerned, the Punjab Inquiry after the Jallianwalla massacre was as you know entrusted to distinguished persons outside the Punjab and an English lawyer was brought all the way from London to preside over the deliberations of the tribunal. Yet for valid and cogent reasons the Congress had boycotted

the commission. In South Africa exactly for charges of a far less heinous nature than in the Mysore case, the Union Government had appointed a commission presided over by an outside judge. I had advised our people to boycott the commission but I discontinued agitation on the assurance of General Smuts that I would find my fears were unjustified. He respected the boycott and all went well. You will thus see that in raising the issue I have done nothing strange. Of course if you have objection against Shri Rajagopalachari's name, I withdraw it. I gave his name as you had evinced abundant confidence in him.

In view of what I have said above I need not take up your time in discussing the other points raised in your letters.

You would permit me to remark that whipping was hardly the punishment to be meted out in cases of the nature described by you.

Yours sincerely,

(Sd.) M.K. GANDHI.

Bangalore,

6th February 1940.

My dear Mahatmaji,

Your letter of the 31st January has filled me with sadness.

I am sad because I see that, after all these years of friendship, you should disbelieve me and believe those who have been most disloyal subjects of the State, and who have left no stone unturned to besmirch its fair name. And all so needlessly, too.

I am indeed sad - and surprised.

Yours sincerely,

Sd. MIRZA M. ISMAIL

Mahatma Gandhi,
SEGAON.
WARDHA (C.P.)

"COPY"

SEGAON,
WARDHA (C.P.)
10th February 1940.

Dear Sir Mirza,

You are going too fast. What leads you to think that I disbelieve you? You are entitled to blame me for believing those whom you consider disloyal. But is it impossible for you to be wrong in your judgment? Why should you not think that there is room for different judgments? When I feel convinced to the contrary, I shall own my error, as I know you will, if you feel convinced to the contrary. Meanwhile let our friendship remain unaffected.

Yours sincerely,

(Sd.) M.K. GANDHI.

Segaon,
Via. Wardha,
11th February, 1940.

Dear Sir Mirza,

I have just read your speech in the "Hindu" of the 9th in which you have quite unnecessarily brought me in ? Is it fair ? And is the reference truthful, if I may ask you ? Did the man come to you to declare that the Maharajah was a Deva ? Have I anywhere referred to the allegations made ? And yet you almost compel me to tell the public why I brought the man to you and what his allegations were. But I will desist.

I thought you had too high a sense of honour to permit yourself to make such an unfair use of a casual remark made by an unsophisticated man. May I suggest that the man said that His Highness was a Deva and that the Dewan was worthy of him, because he expected that justice would be done and culprits would be brought to book ?

However I would ask you, for Heaven's sake, to leave me alone.

Yours sincerely,

Sd. MAHADEV DESAI

"COPY"

Segaon,

WARDHA (C.P.)

15th February 1940.

Dear Sir Mirza,

Although you have despaired of me, I must not. I send you herewith copy of the statement to be issued by the State Congress Committee unless, for convincing reasons, you do not wish it published. I have asked them to wait till 19th - the last day exclusive. I hope you will note the greatest consideration shown to the administration in the preparation of the statement. You will observe its unilateral character. It asks no consideration. But I do expect appreciation and corresponding gesture from you. You may send for the President of the S. Congress and talk to him if you like. I am in Santiniketan 17th, 18th, part of 19th and part in Calcutta care Birla 20th onward Malikanda.

Yours sincerely,

Sd. M. K. GANDHI.

"COPY"

THE MYSORE CONGRESS.

Bangalore City,
13th February, 1940.

The Working Committee of the Mysore Congress regret that the members and the general public have been kept under suspense as to the activity of the Mysore Congress. This has been unavoidable. As the public know, members of the Working Committee have off and on been in touch with Mahatma Gandhi and sought his guidance on many matters. Like most organisations in India the Mysore Congress too has come under his influence especially in the matter of his teachings on Truth and Non-violence. Latterly that influence has been much deeper than ever before and has led to individual heartsearching.

The result was that on the 18th November 1939 the Working Committee passed the following resolution:-

"The Working Committee hereby resolves to abide by Mahatma Gandhi's advice and to accept his guidance in all matters concerning the movement in the State."

Soon after Shri. Mahadev Desai came to Mysore as State guest and came in touch with both the authorities and many members of the Mysore Congress. During his six days' stay he did much travelling and addressed numerous meetings. He met also the Civil Disobedience prisoners under special permission. He submitted a note of his tour and impressions to Mahatma Gandhi.

Meanwhile Mahatma Gandhi advised discontinuance of Forest Satyagraha and slowing down of other forms of Civil Disobedience which advice has been carried out in full.

After having studied the situation Mahatma Gandhi has advised an indefinite suspension of the Civil Disobedience movement. The Working Committee feel that while the movement has been exceptionally non-violent in action there is still considerable scope and necessity for educating the people in maintaining that high level of non-violence not only in

action but also in language and in thought which alone can justify and make possible the realisation of the objectives before us. This would necessitate a course of suspension and self-restraint. The Working Committee, therefore, accept the advice and hereby resolve to suspend the Civil Disobedience movement in the State for an indefinite period.

This, however, does not affect the pursuit of the constructive programme and other ordinary activities of the Congress. Stress is to be laid upon Working the constructive programme among the people. It shall include the spread of Khadi and spinning, Harijan service including removal of untouchability, communal unity, Prohibition campaign against drink and liquidation of illiteracy.

The Working Committee has publicly complained about the ill-treatment of civil Disobedience prisoners. It consisted in:

1. Detaining arrested persons in small unhealthy lock-ups for inordinately long periods before producing them for trial.

2. Over-crowding, under feeding, starving and providing insufficient clothing.

3. Abusing, spitting, beating with sticks, compelling the drinking of urine and otherwise committing brutal assaults.

4. Leaving or deserting arrested persons in far off jungles during the dark hours of the night.

5. Raiding Volunteer Camps and assaulting the inmates there and expelling them forcibly, destroying food stuffs, cooking utensils, etc., and locking up such camps.

6. Forcibly entering residential houses and attaching property for the realisation of fines, irrespective of their ownership.

7. Arresting persons, unconnected with the movement either under the Public Security Act or other Penal Laws and extracting apologies from arrested persons both in the lock-ups and jails by threat, coercion, etc.

8. Confining sentenced persons in improvised and uninhabitable prisons, in unhealthy parts of the State to the permanent injury of their health.

9. Letting loose Reserve Police on villages and firing in the air to strike terror into the hearts of the people.

The Working Committee had asked for an independent and impartial enquiry into the these complaints not so much for the punishment of offenders as for the good name of the administration and for the avoidance of repetition of such inhumanities. The Working Committee are aware that Shri. Mahadev Desai had also advised such an enquiry. But much to the surprise of all concerned a hasty announcement of the enquiry court was made. The Hon'ble Mr. Justice A.R. Nageswara Iyer, Judge of the High

Court of Mysore was appointed sole Judge. Mahatma Gandhi advised the Working Committee not to tender any evidence nor otherwise participate in its proceedings but at the same time to refrain from making any public announcement of the non-cooperation. This advice he gave in order not to embarrass the authorities and to enable him to carry on negotiations with the Mysore Government with a view to have the personnel of the Committee changed. He felt that justice might be frustrated unless a judge of unimpeachable integrity was brought from outside as was done for example at the time of the Punjab Enquiry in 1919 and other similar occasions. There was no question whatsoever of casting reflections upon the particular judge appointed to conduct the enquiry. Mahatma Gandhi had also advised release of the political prisoners. Mahatmaji's advice unfortunately proved unacceptable to the Mysore Government. The non-cooperation therefore stands. The Working Committee would be ready to lead evidence if the two conditions are fulfilled.

There remains the question of participation in the elections to Local Boards and the like. The Working Committee have been advised by Mahatma Gandhi, and they have accepted the advice, that whenever the Mysore Congress can render effective service to the popular cause and suitable candidates can be obtained, the Congress should take part in those elections.

There is too the question of prisoners. The Working Committee are of opinion that there can be no agitation for the release of the Civil Disobedience prisoners for the sake of release. For Civil Disobedience itself is a process of inviting suffering on oneself. Therefore the Working Committee have to submit to the sufferings of those fellow-workers who are behind prison walls. Such suffering is part of the fight for freedom.

The public should know that the manner is thus changed this fight for the establishment of responsible government under the aegis of His Highness the Maharaja must continue till the goal is reached.

Telegram dated the 18th February 1940 from the Dewan of Mysore, Bangalore, to Mahatma Gandhi, Shantiniketan.

Many thanks for your letter and copy of statement. I have absolutely no objection to State Congress publishing statement if they think it is going to do them any good.

OFFICE OF THE DEWAN OF MYSORE

ORD

Letter from
Correspondence
Mr. D. Desai.

29/5/40

Shri Laxmikanta.
29.5.40

The correspondence between the Dewan and Mr Desai is forwarded herewith for kind perusal and return

29/5/40
Chief Secretary)

OFFICE
2 MAY 1940
No 2537/Secs

Segaon
Via Wardha
11.12.40

Dear Sir Mirza

I have just read your speech in the "Hindu" of the 9th in which you have quite unnecessarily brought me in? Is it fair? And is the reference truthful, if I may ask you? Did the man come to you to declare that the Maharajah was a Deva? Have I anywhere referred to the allegations made? And yet you almost compel me to tell the public why I brought ~~him~~ the man to you and what his allegations were. But I will desist.

I thought you had too high a sense of honour to permit yourself to make such an unfair use of a casual remark made by an unsophisticated man. May I suggest that the man said that His Highness was a Deva and that the Dewan was worthy of him, because he expected that justice would be done and culprits would be brought to book?

However. I would ask you, for Heaven's sake, to leave me alone!

Yours Sincerely
Mahadev Desai

5270/Encls

DEWAN OF MYSORE

BANGALORE.

13th February, 1940.

Dear Mr Desai,

I have received your letter of the 11th.

You are magnifying trifles. What has come over you ? Why such a nasty letter ? Are you really sure that I made any unfair reference to you ?

I was speaking impromptu but I am certain that I never had the least intention of dragging you into my discourse or of casting the slightest reflection on you. I was merely illustrating the possibility of illiterate and unsophisticated people confusing issues which they were incapable of understanding.

There was, as far as I am able to judge, nothing wrong in what I stated either from your point of view or anyone else's. I don't think anyone understood me to mean that I was unfair to you or had dragged in your name unnecessarily. What I have stated was what actually took place. Did not the man say that the Maharaja was a deva ? It is quite a common expression in Mysore and nothing to be surprised at. I know you brought him to tell me certain things, and he did tell me those things, but he also said what I said he did in reply to my questions which were put with the object of showing to you that the man was, as I had suspected, a mere hireling, not a patriot out to fight for his birthright.

You may by all means tell the public why you brought him to me. There need be no hesitation on your part in doing

DEWAN OF MYSORE

BANGALORE.

so, as I have myself made no secret of the various allegations that have been made against the Police and others.

I see you are accusing me of want of a sense of honour. It is an irony of fate that the first person to bring such an accusation against me should be you, my friend.

I am sure you are in need of rest!

I shall be grateful if you will kindly place copies of this letter and your own, which I am sending herewith, before Mahatmaji for his information.

Pray, don't trouble to answer this letter.

Yours sincerely,

ડી. જી. ૭.

Mahadev Desai, Esq.,
Private Secretary to Mahatma Gandhi,
S E G A O N.
==========
WARDHA. (C.P.)

5270/Encl

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Yours sincerely,

M. D.

Mahadev Desai, Esq.,
Private Secretary
to Mahatma Gandhi,
Segaon,
WARDHA. (C.P.)

Mahadev Desai Esquire

Sevagram

Wardha.

Greatly obliged for your

very kind letter Writing

soon.

Mirzaismail

Dewan of Mysore, Lakeview, Camp Mysore.
1.5.40.

For kind approval before issue

Issued 2/5.

...agram, Wardha
13-5-'40

My Dear Sir Mirza Ismail,

I am grateful to you for your long letter. There can be no difficulty in our forgetting the past when there is mutual goodwill and friendliness inspite of political differences. By the time this is in your hands Gandhiji's comments on the Nageshwar Iyer Inquiry Report will be in the papers. You will not, I know, be happy to read them. But Gandhiji's silence, which you will remember , was in response to your request that he should not make a public statement, was obviously misunderstood, and the "Hindu" indulged in comments which compelled Gandhiji to break the silence. Let me give you this assurance that whenever I come to discover- no matter how late- that most of the men who complained to me had misled me by their lies I will not hesitate to express my sorrow publicly.

Gandhiji is replying to you separately with regard to the question that you have asked. In the meanwhile let me pass on to you the news I receive from Mysore. This is what I read in a letter received yesterday:

"In many places the officials canvassed against the Congress. Shri K.T.Bhashyam wrote twice to the Chief Secretary against such interference but the Government did not reply to him, nor took notice of the complaint..... The nominations will be all against us. But what is more culpable is the new rule enabling the official members (the sub Divisional officers etc. who will be nominated by Government) to take part in the voting in connection with the election of Presidents and Vice Presidents. They will not only cast their votes against the Congress but will use or abuse their position to influence other members..... The Rules and standing orders under the Constitution Act provide for

for
cumulative voting in the place of majority voting which has been prevailing hitherto. This again is aimed at putting down Congress strength. We have mostly multi-member constituencies and therefore cumulative voting will mean that Congress cannot secure all the seats even though the majority of voters in a constituency are for Congress. They say this is to help minorities which may be swamped by majorities. The question cannot arise at all when they have provided for separate electorates for Muslims , Harijans, Indian Christians, Europeans. Not being satisfied with dismembering the body politic into these compartments they now propose to further dismember the communities within the Hindu fold and set one community against another.... When there are already so many reservations there is no meaning in cumulative voting for Hindu seats only."

If all this is true, are you not taking away what little the Reforms may have given to the people?

You have been witness to the activities of Congressmen since the movement was suspended. Do you still think there is any sense in keeping the Civil Resisters in prison?

Yours sincerely,
Mahadev Desai

P.S. Dont worry about the foul charges about The death of the Yuvaraja: Every one knew that he had ruined his health. And perhaps you know that Pandit ji was charged with the murder of his own coworkers — only a year ago — by The Maharashtra Press!

Hs

D-O-NO-8205
Encls-3.

Glenview,
Fernhill,
18th May 1940.

My dear Mr. Mahadev,

Thank you very much for your letter of the 15th instant.

Yes, I must say I was sorry to read Mahatmaji's note in the 'Harijan' criticising the Judge who conducted the enquiry in such strong language without even reading his full report. I am afraid he has done great injustice to a highly respected Judge and a very honorable man and less than justice to himself. The following quotation from a letter which I have just received from one of our most eminent countrymen (he is unconnected with Mysore) shows how Mahatmaji's attack is regarded in impartial quarters:-

"I cannot forbear", says my friend, "writing to you a line of strong disapproval of the Harijan condemnation of the Nageswara Aiyar enquiry. It is a thoroughly indefensible aggression. You must have an angel's patience to sit still and take the punishment.

"You see Mahadev Desai's mission is expressly traced to a request of yours. I can't but regard it as a blunder. It is an indirect admission of foreign jurisdiction in your province. Excuse bluntness.

"Walking out, refusal to participate, non-recognition of authority, creation of dead-locks or stalemates - are only ugly discoveries of democratic obstruction. Even Parnell might come to take lessons if he wished to make it uncomfort-

able for Pluto".

I shall only say this that I should never forgive myself if I allowed myself to say anything in public in criticism of Mahatmaji. I must accept whatever he says or does as well-meant.

Now to turn to what your friends in Mysore have written to you about our election rules, etc. I hope you will forgive me if I say that I am most reluctant to discuss Mysore affairs with you after my recent very sad experience, lest it should strain our friendship. All I can tell you with reference to the charges brought against us by your friends is that you may suggest to them to make a public statement. There is the Representative Assembly - it is meeting shortly - where they can freely ventilate such grievances. There are the Legislative Council (it will also meet soon after the Representative Assembly), the public platform and the press. Why don't they make use of opportunities afforded by these instead of worrying you ?

This is a typical illustration of malicious misrepresentation of the most innocent and sensible acts of the Administration, devised in the best interests of the people. Your cunning friends know full well that they are dealing with a very credulous person, who is prepared to accept whatever they say as perfectly true, for are they not votaries of Truth and Non-violence ?

Yours sincerely,

Mahadev Desai, Esq.,
Private Secretary to Mahatma Gandhi,
S E W A G R A M.
==========

WARDHA.

My dear Mr Mahadev,

Thank you very much for your letter of the 10th instant.

Yes, I must say I was sorry to read Mahatmaji's note in the Harijan criticising the Judge who conducted the inquiry in such strong language without even reading his full report. I am afraid he has done great injustice to a highly respected Judge and a very honourable man and less than justice to himself, as the following quotation from a letter that I have just received from one of our most eminent countrymen (unconnected with Mysore) seems to indicate.

"I cannot forbear writing to you a line of strong disapproval of the Harijan condemnation of the Nageswara Aiyar enquiry. It is a thoroughly indefensible aggression. You must have an angel's patience to sit still and take the punishment.

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Yours sincerely

I do expect ap-
preciation ~~from~~ ~~you~~ and corres-
ponding gesture
from you. You
may send for the
President of the
S. Congress and
talk to him if
you like. I am
the sanest man
of the 18th part of 19 hundred
I could care
the other

to wait till 1 of the
the last day of session
I hope you will note
the greatest con-
sideration shown
to the administra-
tion in the pre-
paration of the
statement. If
you will observe
the unfinished
character of the
it asks no con-
sideration. But

सेवाग्राम
MAGANWADI
WARDHA (C.P.)
15-2-40

सगनवाडी
वर्धा (मध्य प्रांत)

Dear Sir Mirza,

Although you have despaired of me, I must not. I send you herewith copy of the statement to be issued by the state congress committee unless, for convincing reasons, you do not wish it published. I have asked, if

THE MYSORE CONGRESS.

Bangalore City,
13th February 1940.

The Working Committee of the Mysore Congress regrets that the members and the general public have been kept under suspense as to the activity of the Mysore Congress. This has been unavoidable. As the public know, members of the Working Committee have off and on been in touch with Mahatma Gandhi and sought his guidance on many matters. Like most organisations in India the Mysore Congress too has come under his influence especially in the matter of his teachings on Truth and Non-violence. Latterly that influence has been much deeper than ever before and has led to individual heartsearching. The result was that on the 18th November 1939 the Working Committee passed the following resolution:-

"Thw Working Committee hereby resolves to abide by Mahatma Gandhi's advice and to accept his guidance in all matters concerning the movement in the State."

Soon after Shri. Mahadev Desai came to Mysore as State guest and came in touch with both the authorities and many members of the Mysore Congress. During his six days' stay he did much travelling and addressed numerous meetings. He met also the Civil Disobedience prisoners under special permission. He submitted a note of his tour and impressions to Mahatma Gandhi.

Meanwhile Mahatma Gandhi advised discontinuance of Forest Satyagraha and slowing down of other forms of Civil Disobedience which advice has been carried out *in* full.

After having studied the situation Mahatma Gandhi has advised an indefinite suspension of the Civil Disobedience

Disobedience movement. The Working Committee feel that while the movement has been exceptionally non-violent in action there is still considerable scope and necessity for educating the people in maintaining that high level of non-violence not only in action but also in language and in thought which alone can justify and make possible the realisation of the objectives before us. This would necessitate a course of suspension and self-restraint. The Working Committee, therefore, accept the advice and hereby resolve to suspend the Civil Disobedience movement in the State for an indefinite period.

This, however, does not affect the pursuit of the constructive programme and other ordinary activities of the Congress. Stress is to be laid upon Working the constructive programme among the people. It shall include the spread of Khadi and spinning, Harijan service including removal of untouchability, communal unity, Prohibition campaign against drink and liquidation of illiteracy.

The Working Committee has publicly complained about the ill-treatment of civil Disobedience prisoners. It consisted in:

1. Detaining arrested persons in small unhealthy lock-ups for inordinately long periods before producing them for trial.

2. Over-crowding, under feeding, starving and providing insufficient clothing.

3. Abusing, spitting, beating with sticks, compelling the drinking of urine and otherwise committing brutal assaults.

4. Leaving or deserting arrested persons in far off jungles during the dark hours of the night.

5. Raiding Volunteer Camps and assaulting the inmates there and expelling them forcibly, destroying food stuffs, cooking utensils etc., and locking up such camps.

6. Forcibly entering residential houses and attaching

attaching property for the realisation of fines, irrespective of their ownership.

7. Arresting persons, unconnected with the movement either under the Public Security Act or other Penal Laws and extracting apologies from arrested persons both in the lock-ups and jails by threat, coercion, etc.

8. Confining sentenced persons in improvised and uninhabitable prisons, in unhealthy parts of the State to the permanent injury of their health.

9. Letting loose Reserve Police on villages and firing in the air to strike terror into the hearts of the people.

The Working Committee had asked for an independent and impartial enquiry into the these complaints not so much for the punishment of offenders as for the good name of the administration and for the avoidance of repetition of such inhumanities. The Working Committee are aware that Shri. Mahadev Desai had also advised such an enquiry. But much to the surprise of all concerned a hasty announcement of the onquiry court was made. The Hon'ble Mr. Justice A.R. Nageswara Iyer, Judge of the High Court of Mysore was appointed sole Judge. Mahatma Gandhi advised the Working Committee not to tender any evidence nor otherwise participate in its proceedings but at the same time to refrain from making any public announcement of the non-cooperation. This advice he gave in order not to embarrass the authorities and to enable him to carry on negotiations with the Mysore Government with a view to have the personnel of the Committee changed. He felt that justice might be frustrated unless a judge of unimpeachable integrity was brought from outside as was done for example at the time of the Punjab Enquiry in 1919 and other similar occasions. There was no question whatsoever of casting reflections upon the particular judge appointed to conduct the enquiry. Mahatma Gandhi had also advised release of the political prisoners. Mahatmaji's advice

advice unfortunately proved unacceptable to the Mysore Government. The non-cooperation therefore stands. The Working Committee would be ready to lead evidence if the two conditions are fulfilled.

There remains the question of participation in the elections to Local Boards and the like. The Working Committee have been advised by Mahatma Gandhi, and they have accepted the advice, that whenever the Mysore Congress can render effective service to the popular cause and suitable candidates can be obtained, the Congress should take part in those elections.

There ~~remains further~~ is two the question of prisoners. The Working Committee are of opinion that there can be no agitation for the release of the Civil Disobedience prisoners for the sake of release, For, civil Disobedience itself is a process of inviting suffering on oneself. Therefore the Working Committee have to submit to the sufferings of those fellow-workers who are behind prison walls. Such suffering is part of the fight for freedom.

The public should know that the manner is thus changed this fight for the establishment of responsible government under the aegis of His Highness the Maharaja must continue till the goal is reached.

Confidential 18-2-40

Dear Sir,

I wish to see you only to represent to you the result of my talk.

Gandhiji seems to have advised them to publish the statement tomorrow. They cannot postpone it until Gandhiji wires them to do so.

Therefore the suggestion is that you wire to Gandhiji asking him to advise the Mysore Congress to postpone the publication of the statement.

This will give you time to consider the request made this morning. This will also enable them to postpone the publication.

You have with you Gandhiji's address & also programme.

Yours sincerely,

P. R. Ramaiya

Telegram dated the 18th February 1940 from the

Dewan of Mysore, Bangalore, to Mahatma Gandhi, Shantiniketan.

Many thanks for your letter and copy of statement

I have absolutely no objection to State Congress publishing

statement if they think it is going to do them any good

Copy
18.2.40

Serial No.

Draft note as revised re Central Jail incident is submitted

Dewan) Ce.
27/1/40

The file is returned after despatching the letter enclosure to Mahatma Gandhi hastily)

Cranborne
29/1/40

NOTE–Contn. Sheet.

Your wire received last night. A misleading account of the recent ~~happenings~~ incidents in the Central Jail seems to have reached you. The fadts briefly are these:-

Three prisoners whipped by Superintendent for indecent behaviour and assaulting warders - 45 prisoners went on hunger strike as a protest but after 3 or 4 days broke fast. I am sending for your information a detailed official report.

D.O. NO. 4901
Encl. one

20th January 1940.

My dear Mahatmaji,

As promised in my telegram of yesterday, I am enclosing for your information a detailed note on the recent disturbances in the Central Jail at Bangalore.

Yours ever,
(Sd) Mirza M. Ismail.

Mahatma Gandhi,
Shegaon,
WARDHA.
(C.P.)

28.1.40

My dear.....

As promised in my telegram of yesterday, I am enclosing for your information a detailed note on the recent disturbances in the Central Jail at Bangalore.

Yours sincerely,

Mahatma Gandhi

A Note by the Home

A Note on recent disturbances in the Central Jail, Bangalore.

On the morning of 22nd January 1940, a political prisoner named C.B. Monniah was transferred to the Special lock-up, Kolar Gold Field. It may be stated here that Monniah is a Coorgi and has always been a source of great trouble to the Police and in jail. He had to be extemed from the State some time ago but he disobeyed the order and has been imprisoned in consequence. When a warder went to the barracks to remove his things, another political prisoner (Kanneri) abused the Superintendent calling him a mad man and a liar. This man and twenty other political prisoners then assaulted the warder and drove him, with every show of force, back to the Jail office. Hearing the disturbance, the Chief Warder, the Deputy Warder and other warders arrived on the scene. By this time, nearly a hundred other political prisoners had gathered and they joined in abusing the Jail authorities in violent and improper language. They also used some force against some warders. At this stage, the Superintendent arrived and with some difficulty got control and managed to send the prisoners back to their barracks. The political prisoners in another barrack shortly afterwards started further trouble. The Jail officers went there and found that the prisoners had shut the door from inside and were behaving in a very noisy and insubordinate manner shouting in violent language against the authorities. The Superintendent had the door forcibly opened and asked them to resume their work without noise. Some prisoners assaulted the warders near them and others used very violent and abusive language against the Superintendent and the staff.

When ~~the leaders were, therefore,~~ these prisoners were brought out, one of them assaulted the Deputy Jailor and caught hold of his neck. Another prisoner (Basappa) bit the fingers of the Deputy Jailor. After due inquiry, the Superintendent found that the two prisoners (Kanneri and Basappa) were primarily responsible for the disturbance and accordingly ordered their punishment. They were given six and ten stripes respectively, consistently with the Jail rules. Somewhat later, another political prisoner (Venkataswamy) abused a warder and behaved indecently before him and other prisoners. This man also was given six stripes.

These three persons who took a leading part in the disturbance were removed from the barracks and kept in separate rooms. One of these prisoners was also found to be in possession of contraband articles, such as cash, cigarettes and beedies. No punishment of solitary confinement was imposed upon them.

On the 23rd January, 18 political prisoners sent a petition to the Inspector-General of Prisons stating that they had gone on hunger-stike as the Jail authorities acted in a high-handed manner in dealing with the situation on the 22nd instant (the previous day). They started a hunger-strike on the evening of the 22nd instant as a protest. Thirteen more joined them on the 23rd and the number increased to 43 on the 24th and 45 on the 25th. All of them discontinued hunger-strike on the evening of the 25th and took food. The situation is now quite normal again.

The action taken by the Superintendent was purely in the interest of discipline, as the prisoners were becoming more and more rowdy and insolent, making it impossible for him to maintain order in the Jail.

Gorey
28/1/40

1) Complaint about ill-treatment of civil disobedience prisoners.

In order to verify the actual facts, an enquiry has been ordered to be made by Mr Justice Wagle Varadachariar. Many allegations have been made, most of them general & vague. Many of these allegations come within the scope of the enquiry. It is desirable to await his report. All these allegations have been replied to in the note sent to Mahatma Gandhi on M. Desai's report. These allegations might be dealt with after Mr A.R.N's report is received

2) Working Committee asked for independent & impartial enquiry for the good name of the administration.

The Govt have appointed a judge of the High Court to hold the enquiry. Even if there had been excesses committed by a few policemen, it is a matter of individual offences & it is not a thing which would affect the good name of the administration.

(3) Sriman Desai had advised such an enquiry.

This is not correct. When M. Desai had come here, the Dewan appears to have told him that he would order an enquiry as serious allegations had been made. Immediately afterwards the enquiry was ordered.

(4) A hasty announcement of an enquiry was made.

The order was issued on 8.1.40 more than 20 days after M. Desai left Mysore.

(5) Justice might be frustrated unless a judge of unimpeachable integrity was brought from outside.

This is a departmental enquiry into allegations against certain police officers, & not a public enquiry. If any particular individual had been tortured, he could have complained before the Hon Courts.

Sir Leigh Wilkie in his letter of 13th Jan. Mysore did not think there was necessity for an enquiry unless the Dewan wanted a departmental enquiry in the interests of the prestige of the administration.

An enquiry by a High Court Judge of Mysore would be by an impartial & independent tribunal If these police officials against whom allegations are made are prosecuted, The proper tribunal would be the Mysore judiciary & it could never be heard even that the complainants would not get justice. The Govt cannot abdicate their powers in this respect in favour of an outside tribunal. To bring an outsider for this purpose would be to cast a slur on the entire judicial administration of the State. The matter is sought to be posed as if it was one between the State Administration & the Congress. The allegations are that certain police officers committed torture on certain persons & it would be the height of exaggeration to assign it to the level of a matter affecting the State Administration. Even if it be such a matter, a local tribunal would be a fitting one in regard to a local matter.

Such allegations had been made, the object of the Govt was to afford an opportunity to all persons having complaints to place them before one Judge of the High Court so that they could tested & verified. [It might pointed out that in regard to Revolutionary prisoners & detenues in Bengal, their cases are examined only one or two Judges of the Calcutta High Court appointed for the purpose] To compare the so called excesses even if true with the Jallianwallabagh affair is a gross travesty of facts

Govt would have been glad if the local Congress cooperated with the enquiry & placed evidence before the enquiry officer. Having made such allegations, ordinary canons of fairness would have cast a duty on the Congress to substantiate them. Big Govt

avoid the imputation of unfairness by attempting to attack the tribunal ~~to~~ with respect to which they have no objection in respect of their everyday affairs or by putting forth a condition that ~~justices~~ should be closed before they can ~~transfer~~ operate. They were ill advised in abstaining from operation on the above unreasonable grounds.

1. Complaint about illtreatment of civil disobedience prisoners.

In order to verify the actual facts, an enquiry has been ordered to be made by Mr. Justice Nagesvara Iyer. Nine allegations have been made, most of them general and vague. Many of these allegations come within the scope of the enquiry, It is desirable to await his report. All these allegations have been replied to in the note sent to Mahatma Gandhi on Mr. Desai's report. These allegations may be dealt after Mr. A.R. Nagesvara Iyer's report is received.

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The Government have appointed a judge of the High Court to hold the enquiry. Even if there had been excesses committed by a few policemen, it is a matter of individual offences and it is not a thing which would affect the good name of the administration.

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This is not correct. When Mr. Desai had come here, the Dewan appears to have told him that he would order an enquiry as serious allegations had been made. Immediately afterwards the enquiry was ordered. In his letter of 13th January Mahatma did not think there was necessity for an enquiry unless the Dewan wanted a departmental enquiry in the interests of the purity of the administration.

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An enquiry by a High Court Judge of Mysore would be by an impartial and independent tribunal. If these police officials against whom allegations are made were prosecuted, the proper tribunal would be the Mysore Judiciary. It could never be hinted even that the complainants would not get justice. The Government cannot abdicate their powers in this respect in favour of an outside tribunal. To bring an outsider for this purpose would be to cast a ~~shun~~ on the entire judicial administration of the State. The matter is sought to be posed as if it was one between the State Administration and the Mysore Congress. The allegations are that certain police officers committed tortures on certain prisoners and it would be the height of exaggeration to raise it to the level of a matter affecting the State Administration. Even if it be such a matter, a local tribunal would be a fitting in regard to a local matter.

Since allegations had been made, the object of the Government was to afford an opportunity to all persons having complaints to place them before a Judge of the High Court so that they could be tested and verified.

(It may be pointed out that in regard to Regulation prisoners and internees in Bengal, their cases are examined only by one or two Judges of the Calcutta High Court appointed for the purpose). To compare the so-called excesses even if true with the Jallianwallabagh affair is a gross travesty of facts.

Government would have been glad if the local Congress co-operated with the enquiry and placed evidence before the enquiry officer. Having made such allegations, ordinary canons of fairness would have cast a duty on the Congress to substantiate them. They cannot avoid the ~~reputation~~ imputation of unfairness by attempting to attack the tribunal to resort to which they have no objection in respect of their every day affairs or by putting forth a condition that prisoners should be released before they can co-operate. They were ill-advised in abstaining from co-operation on the above unreasonable grounds.